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That no one will be injured by such change, and that such change will be made at permit holders own risk.

X Sean F. Cowley
(signature)

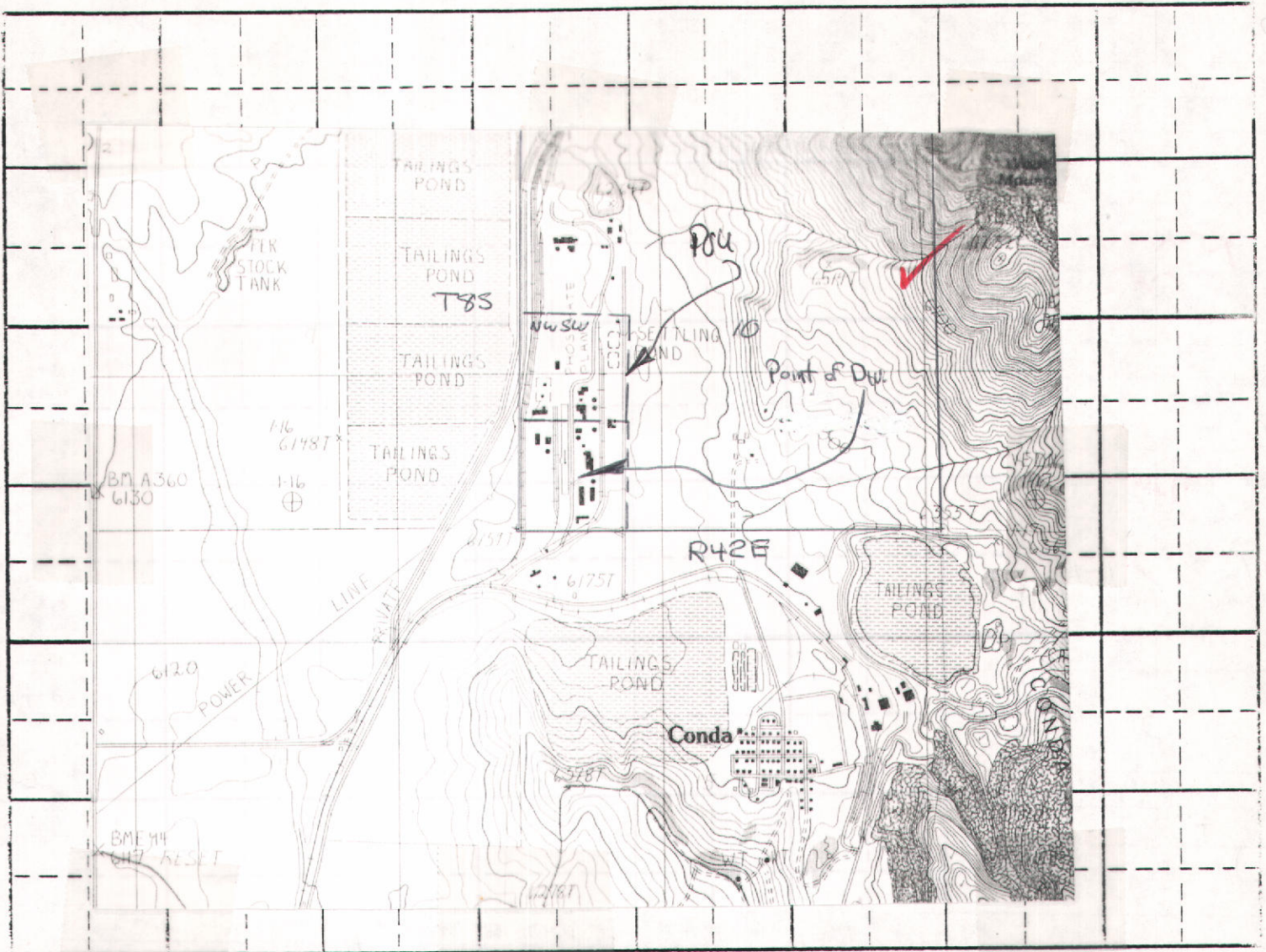
A. KENNETH DUNN, ~~Director of the~~ ^{Administrator - Operations Division} Department of Water Administration,

December, 1974.

[Signature]
Director

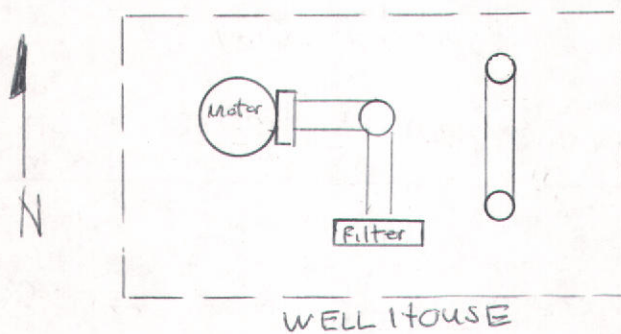
ADMINISTRATOR - Operations Division

ADMINISTRATOR - Operations Division



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: ✓ SW¹/4 SW¹/4 Sect. 10 T8S R42E

Place(s) of Use

[illegible]

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature

Checked by

Approved by

Date _____

Date _____

Date _____

1-17-84

9 Nov 1984

5-12-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69416

This is to certify that: NU WEST INDUSTRIES
3010 CONDA RD
SODA SPRINGS ID 83276
(208)547-4381

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
11-2187	WR/License	09/15/1964	2.2 cfs	N/A			GROUND WATER
11-2188	WR/License	09/27/1965	1.34 cfs	969 af			GROUND WATER
11-7429	WR/License	03/18/1974	3.34 cfs	N/A			GROUND WATER

Purpose of Transfer (Changes Proposed)

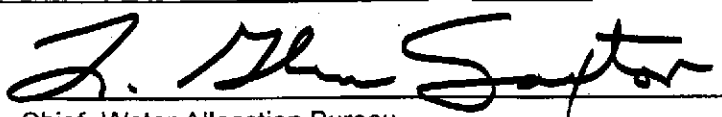
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-2187	NO	NO	NO	YES	NO	NO
11-2188	NO	NO	NO	YES	NO	NO
11-7429	NO	NO	NO	YES	NO	NO

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>
11-2187	11-2187	2.2 cfs	1590 af	N/A			N/A	N/A	N/A	N/A
11-2188	11-2188	1.34 cfs	969 af	N/A			N/A	N/A	N/A	N/A
11-7429	11-7429	3.34 cfs	2413.8 af	N/A			N/A	N/A	N/A	N/A
TOTALS		6.88 cfs					N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of October, 2002


Chief, Water Allocation Bureau

MICROFILMED

NOV 18 2002

WATER RIGHT NO. 11-2187
As Modified by Transfer No. 69416

In accordance with the approval of Transfer No. 69416, Water Right No. 11-2187 is now described as follows.

Right Holder: NU WEST INDUSTRIES
 3010 CONDA RD
 SODA SPRINGS ID 83276

Priority Date: September 15, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	12/31	2.20 CFS	1,590.0 AF
			2.20 CFS	1,590.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU 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	
08S	42E	10						X	X				X	X					

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
- After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- Approval of this transfer does not confirm the validity of this water right.

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 21st day of October, 2002

MICROFILMED
 NOV 18 2002

J. Glen Saylor
 Chief, Water Allocation Bureau

WATER RIGHT NO. 11-7429
As Modified by Transfer No. 69416

In accordance with the approval of Transfer No. 69416, Water Right No. 11-7429 is now described as follows.

Right Holder: NU WEST INDUSTRIES
 3010 CONDA RD
 SODA SPRINGS ID 83276

Priority Date: March 18, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	3.34 CFS	2,413.8 AF
			3.34 CFS	2,413.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU 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	
08S 42E 10						X	X				X	X					

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

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 21st day of October, 2002

MICROFILMED

J. Glen Saylor
 Chief, Water Allocation Bureau

NOV 18 2002

WATER RIGHT NO. 11-2188
As Modified by Transfer No. 69416

In accordance with the approval of Transfer No. 69416, Water Right No. 11-2188 is now described as follows.

Right Holder: NU WEST INDUSTRIES
 3010 CONDA RD
 SODA SPRINGS ID 83276

Priority Date: September 27, 1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	1.34 CFS	969.0 AF
			1.34 CFS	969.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	SWSE	Sec. 10 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU County
GROUND WATER	NWNW	Sec. 15 Twp 08S	Rge 42E	CARIBOU 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	
08S 42E 10						X	X				X	X					

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
3. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. The total instantaneous diversion of water from all points of diversion under Rights 11-2187, 11-2188 and 11-7429 shall not exceed 6.88 cfs, nor total combined annual volume of 4972.8 af.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not confirm the validity of this water right.

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 21st day of October, 2002


 Chief, Water Allocation Bureau

MICROFILMED

NOV 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3833APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant NU-WEST INDUSTRIES Phone 547-4381
Post Office address 3010 Conda Rd Soda Springs, ID 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 BECAUSE OF POOR WATER QUALITY
& REDUCED PRODUCTIVITY BOTH WELLS #4 & #6 HAVE BEEN CAPPED.
TO OBTAIN THE QUALITY & QUANTITY OF WATER NEEDED FOR THE
SULFURIC PLANTS WE DRILLED WELL #7 & PROPOSE DRILLING WELL #8.

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>T347/27-2145</u>	<u>9-27-1965</u>	<u>1.34</u>	<u>INDUSTRIAL</u>	<u>1-1</u> to <u>12-31</u>
<u>~~21-7038~~</u>	<u>3-18-1974</u>	<u>3.34</u>	<u>INDUSTRIAL</u>	<u>1-1</u> to <u>12-31</u>
<u>* 27-2136</u>	<u>9-15-1964</u>	<u>2.20</u>	<u>INDUSTRIAL</u>	<u>1-1</u> to <u>12-31</u> *
<u>11-07429</u>		<u>6.88</u>		to _____

2. Total amount of water being transferred 4.68 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	10	8S	42E	CARIBOU	Well #7
	NW	NW	SE	10	8S	42E	CARIBOU	Well #8

5. Lands irrigated or place of use:
- NO CHANGE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	42E	10						I	I			I	I						

* CHANGES MADE 8-7-91 SEE NEWS DATED 8-7-91

Total acres _____

PART 1

6. General Information:

- a. Description of diversion system Well 7&8 would supply water to a common delivery system for process water in sulfuric acid plants.
- 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:
THE AMMONIA PLANT WHERE WELL #6 IS LOCATED HAS BEEN SHUT DOWN PERMANENTLY. THERE IS NO PROPOSED CHANGE IN THE USE OF WELL #7 OTHER THAN TO LIST IT AS A POINT OF DIVERSION ON BOTH LICENCES.
- d. Remarks:
SINCE WELL #7&8 WILL PROVIDE WATER TO A COMMON DELIVERY SYSTEM, THIS APPLICATION PROPOSES BOTH WELLS BE RECOGNIZED UNDER THE LICENCES BEING TRANSFERRED.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 27-2145 & 27-7038

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this

22nd

day of

July

19 91

J. Glen Sexton
CHIEF, WATER ALLOCATION BUREAU

AUG 1 1991

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 27-2136/2145/7038

Transfer No. 3833

1. The maximum combined rate of diversion under Right Nos. 27-2136, 27-2145 & 27-7038 shall not exceed 6.88 cfs.
2. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 22nd day of July, 1991.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
AUG 21 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3417/27-2145 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 9-27-1965

5. Water is used for the following purpose:

amount 1.34 cfs for Manufacturing purposes from JAN 1 to DEC 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.34 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	SE	10	85	42E	CARIBOU	Well #7

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
85	42E	10						X	X			X	X						

Total acres _____

9. Describe any other water rights used for the same purpose as described above

NONE

AUG 21 1991

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 27-7038 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority MARCH 18, 1974

5. Water is used for the following purpose:

amount 3.34 cfs for INDUSTRIAL purposes from JANUARY 1 to DECEMBER 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.34 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	10	8S	42E	CARIBOU	Well #6

8. 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	
8S	42E	10									X								

Total acres _____

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

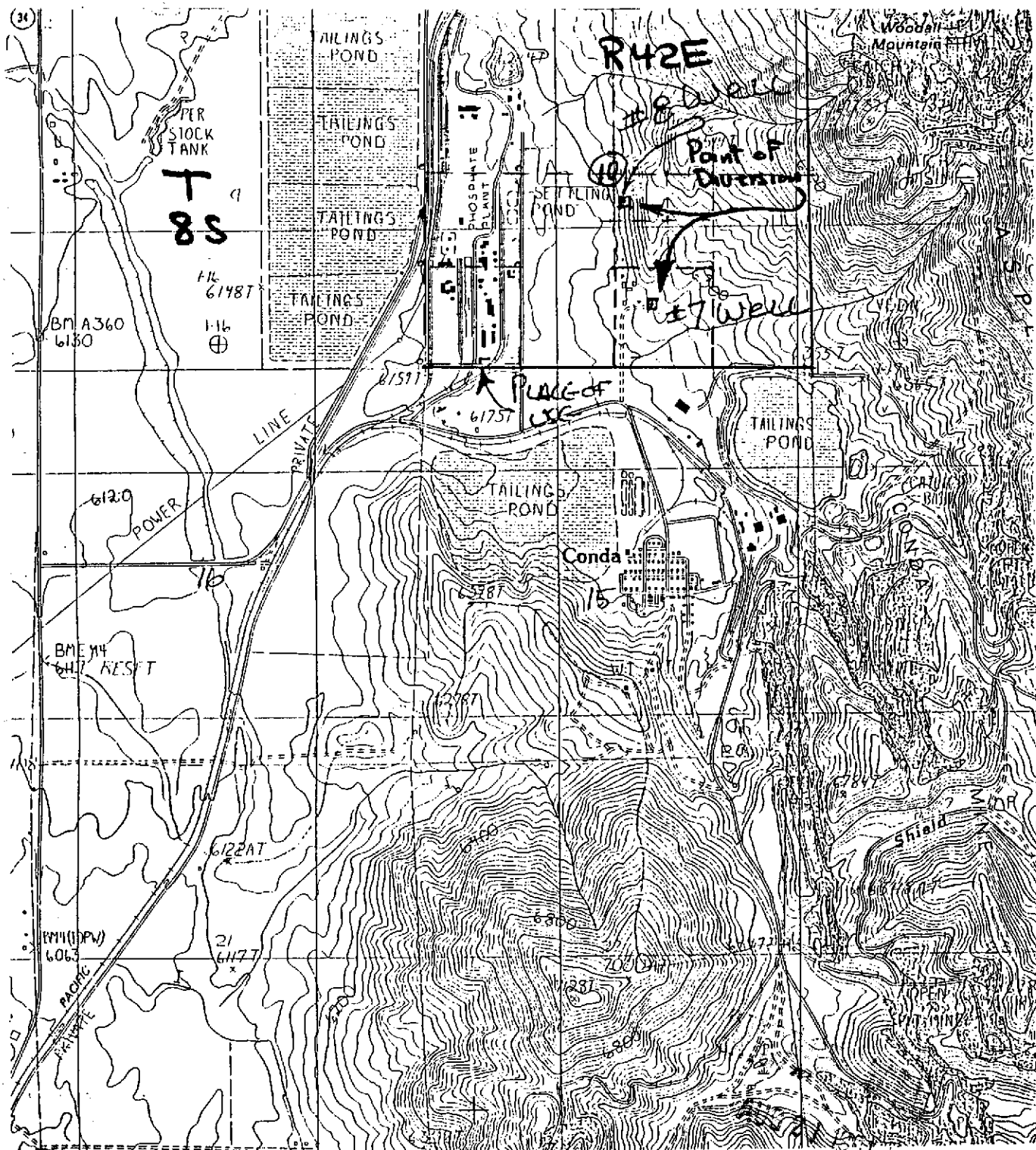
3. Lands irrigated or place of use:

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	

Total acres _____

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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 22 day of March, 1991.

Alan E. Steiner MAINTENANCE MANAGER
(Signature of Applicant)

Ernest Carlson
(Notary Public)

My commission expires 6-14-1994

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by EMC Date 3/22/91 Protest filed by _____

Prelim. check by KCW Fee \$50.00

Receipted by EMC Date 3/22/91 E015846

Published in Caribou Cnty Sun Copies of protest forwarded by _____

Pub. dates 5-1-8-91 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by LDK 7-17-91

Copy of transfer sent to lien holder _____

AUG 21 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27-7038 Priority March 18, 1974 Amount 3.34 cfs

THIS IS TO CERTIFY, that Beker Industries Corporation
of Conda, Idaho, has complied with the terms and conditions of Permit
No. 27-7038 issued pursuant to Application for Permit dated March 18, 1974,
and has submitted proof to the Department of Water Resources on April 22, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.41 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Industrial</u>	from <u>January 1</u> to <u>December 31</u>	at <u>3.34</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.34 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10,
Twp 8S, Rge 42E in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	42E	10									X								

Total number of acres irrigated _____

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
 - b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
 - c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.
- Industrial use is for cooling purposes in the production of ammonia.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16TH day of MAY, 19 86.

Norman C. Young
Acting for the Director

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Burton I. Lipshay, hereby assign to Beker Industries Corporation

of P. O. Box 37, Conda, Idaho

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 27-7038
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 13th day of May, 19 75.

Burton I. Lipshay
Permit Holder

Agricultural Products Corp.
General Manager

Spouse of Permit Holder

State of Idaho)
County of Caribou) ss.

On this 13 day of May, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ferris L. Call

Notary Public residing at

Georgetown, Idaho

My commission expires:

April 1977

MICROFILMED

Receipt # 13193 MS

RECEIVED

DEC 10 1974

Department of Water Resources
Eastern District Office

Permit No. 27-7038

Comes now Agricultural Products Corporation of (address) _____

1. Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10 Twp. 8S
Rge. 42E, B.M., County of Caribou. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

NO CHANGE

[illegible]

Total number of acres to be irrigated

WANTED

RANGE 42E

Sec. 10

X P. D. Well

S 8

1

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Andover, Mass., this 9 day of December, 19 24.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

_____ hereby approve the above Application for Amendment for Permit No. 27-7038.

_____ day of _____, 19 74.

December 19 74

W. J. [Signature]

Director

Identification No. 27 7038

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

ASSIGNED TO: BEKER INDUSTRIES
CORP.

5/14/75 Box 37
Conda, ID

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Agricultural Products Corporation
post office address P. O. Box 37 Conda, Idaho 83230 Ph # 208-547-4381

2. Source of water supply Ground Water which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township T8S
Range 42E B.M. Caribou County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 3.342 for COOLING in Plant purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.342 cfs cubic feet per second ~~x 1440~~ = (1500 GPM)

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 14" Turbine Pump
200 HP Electrical Motor

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 yr.

b. Estimated construction cost is \$ 35,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10 Township T8S
Range 42E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: The Water is to be used for cooling
in the production of ammonia.

22 403

TOTALS

c. Describe any other water rights used for the same purposes as described above. This well will be a separate system for the production of ammonia only.

This well will be a separate system for the production of ammonia only.

Agricultural Products Corporation

Agricultural Products Corporation

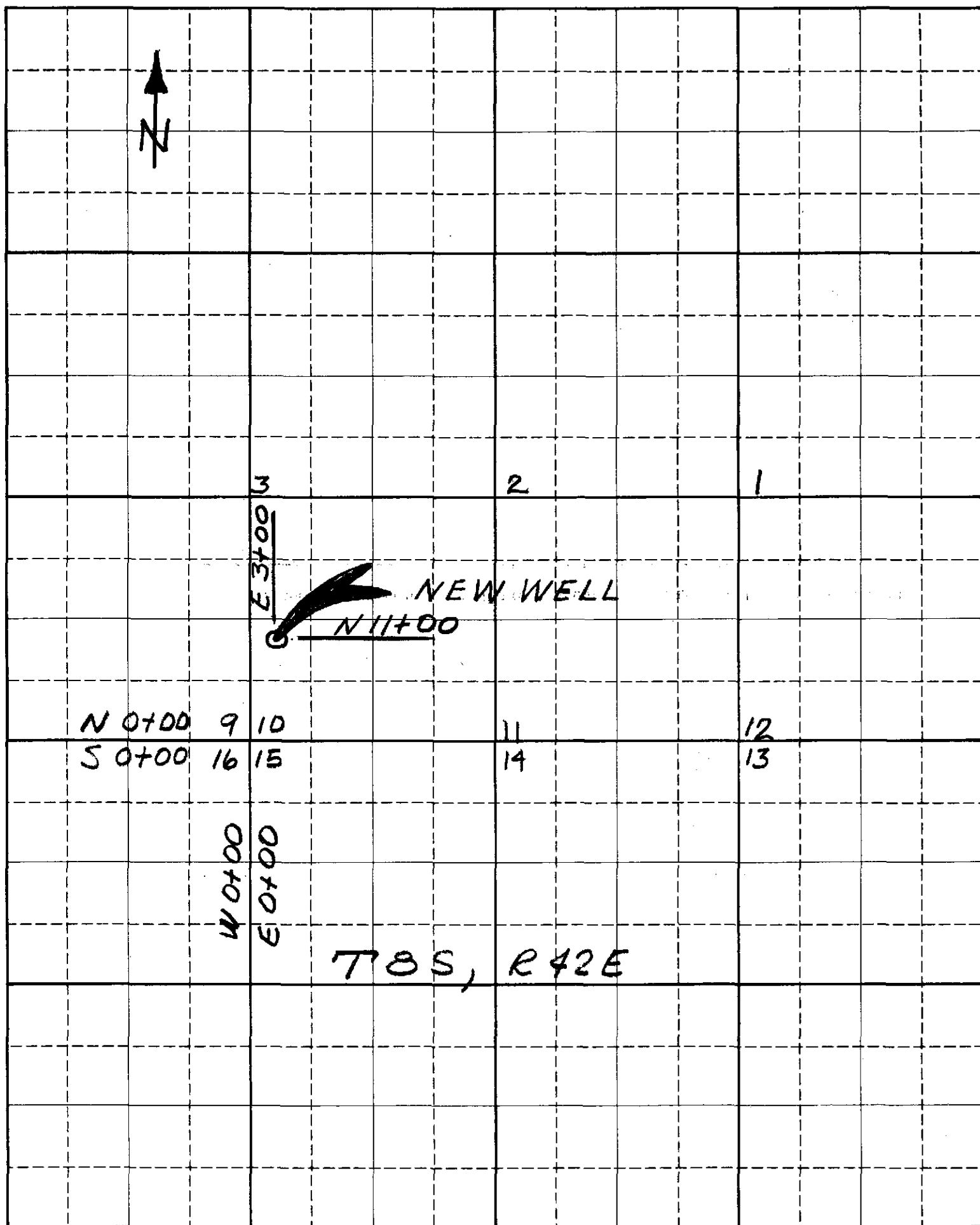
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing -

10. Remarks	We plan to have Andrew Well Drilling Company of Idaho Falls, Idaho drill our well for the ammonia plant, which will recycle the water for cooling, calling only for fresh make-up water.
-------------	--

only for fresh make-up water.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dean F. Cowley
(Applicant)
Vice President,
Manufacturing-West
27 7088

Received by MB Date 3-5-74 Time 10:30 A
Preliminary check by MB Fee \$ 55.00
Receipted by MB Date 3-18-74 # 12787
Publication prepared by MB Date 3/21/74
Published in Western County News
Publication dates 3/28 + 4/1/74
Publication approved MB Date 4/5/1974
Priority reduced to _____ Reason _____

Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by MB MB MB

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7038, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 75.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 19 day of April 19 74.

Director

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

V. E. Lansberry

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterru-
ptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for two successive weekly
issues thereof, the date of the
first publication being the

28th day of
March, 19 74

The date of the last publication
being the 4th day of

April, 19 74

Subscribed and sworn to be-
fore me this 4th day

of April, 19 74

Edaine S. Johnson
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of November
19 74

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Agricultural Products Corpora-
tion, P. O. Box 37, Conda, Ida-
ho, has on March 18, 1974 sub-
mitted Application No. 27-7038
for a permit to appropriate
3.342 cubic feet per second of
water from a ground-water
source by means of well and
pump within the NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 10, T. 8S, R. 42E, B.M.,
Caribou County; to be used
from Jan. 1 to Dec. 31 for cool-
ing of an ammonia plant within
the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 8S,
R. 42E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water

Administration, 1515 Lincoln
Road, Idaho Falls, Idaho, 83401
on or before April 15, 1974.

R. KEITH HIGGINSON,
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho, on
March 28 and April 4, 1974.

MEMORANDUM

TO: FILE 11-07429
FROM: VAULT
RE: TRANSFER # 69416
DATE: 5-17-02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 11-02187

**MICROFILMED
NOV 18 2002**

MEMORANDUM

TO: Files 27-2136 & 27-7038
FROM: Brenda
DATE: July 22, 1991
RE: Transfer No. 3833

=====

See file 27-2145 for all correspondence regarding the above referenced transfer.

UNRECORDED

AUG 21 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 22, 1986

RE: Permit No. 27-7038

Baker Industries Corp.
Box 37
Conda, ID 83230

Gentlemen:

Enclosed herewith is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

NOV 15 1984

Department of Water Resources

27-7038

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date Aug. 11 1982 Accompanied by Plant Engineer Total Q measured 4.41 cfs ✓
If source is surface water, estimate total flow of source _____
Methods of measurement Theoretical Meets Permit requirements? _____

Measurement calculations: Theoretical

$$150 \text{ hp} = \frac{Q(62.4)(300)(1.4)}{550}$$

$$150 \text{ hp} = 34.036 Q$$

$$Q = \frac{150 \text{ hp}}{34.036} = 4.41 \text{ cfs} \checkmark$$
~~$$V = 3.54 \text{ ft} \times 1.985 \text{ ft} \times 365 \text{ days}$$~~
~~$$= 2.41 \text{ ft} \cdot \text{day}$$~~

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	150	Westinghouse	1-9981655	Worthington	12H135-6	NA		

System Description well pump in well house (#6) System is a backup + not in use when inspected but hooked on line + could be used at any time.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<u>Industrial</u> ✓	<u>3.34</u> ✓	<u>N/A</u>	<u>1-1</u> ✓	<u>12-31</u> ✓
Total	<u>3.34</u>	<u>N/A</u>		

Remarks since water is for cooling in production of ammonia, I recommend we do not assign a volume amount to this right - kw
Per telecon w/ HAROLD JONES, the field examiner, AMMONIA is PRODUCED ONLY PART OF THE YEAR. HE HAD NO ESTIMATE OF VOLUME USED. The AMMONIA WAS NOT BEING PRODUCED AT THE TIME OF THE EXAM. THEREFORE THE EXACT USE OF WATER COULD NOT BE DETERMINED

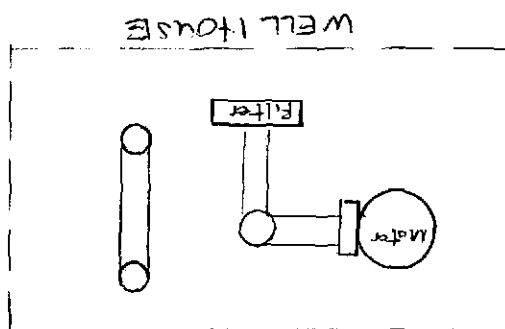
Jim

MICROFILMED

MAP (Attach Aerial Photo)



(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: $\sqrt{5w' + 5w'}/4$ str. 10 T85 R42E

Place(s) of Use

[illegible]

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above
- ☐ Other ☒ None

Examiner's Signature

Checked by

Approved by _____

~~one of the~~

Verf. C. C. C. C.

Frax. - Frax.

Date _____

48-11-1

Date _____

4861 NOV 4

Date

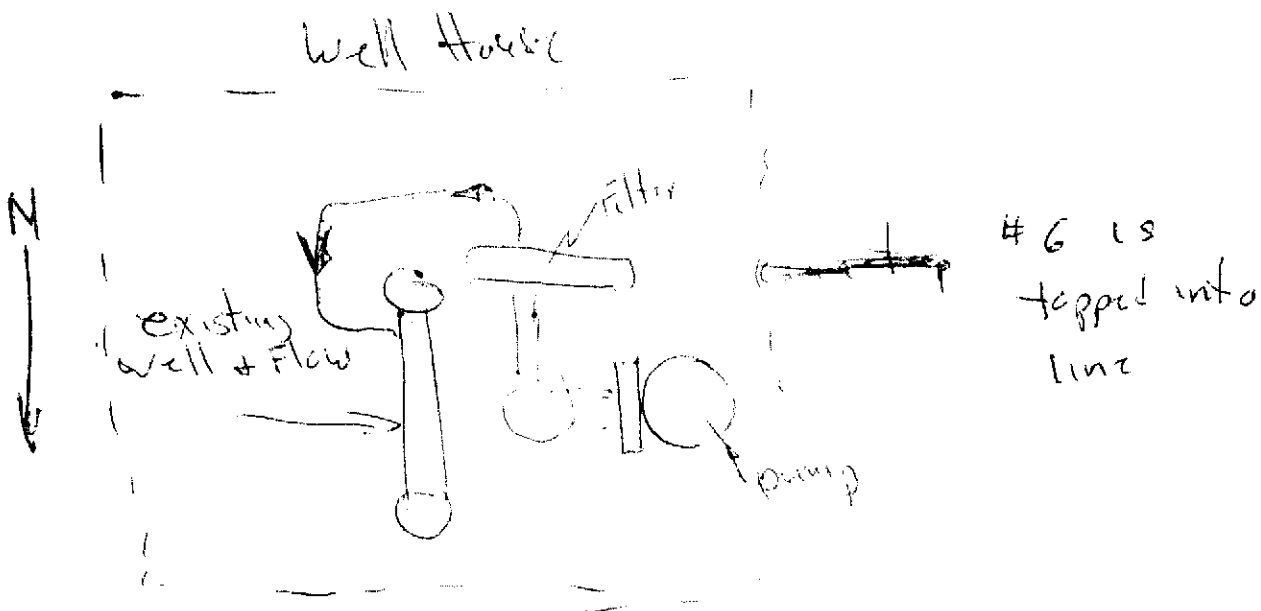
070-41-5

Well #6

8-82

Westinghouse - 1-99V1655
Worthington - 12H135-6
HP-150

300' ~~155'~~ deep well
8" enclosed column
Static level 24'



MICROFILMED

27-7038

WATER RIGHT NUMBER 27-7038 ✓

OWNER LAST NAME - AGRICULTURAL PRODUCTS CORP. ✓
OWNER LAST NAME - BEKER INDUSTRIES CORP. ✓
ADDRESS LINE 1 - P.O. BOX 374 ✓
ADDRESS LINE 2 -
ADDRESS LINE 3 -
SOURCE - GROUNDWATER ✓
STAGE - PERMIT ✓
STATUS -
TOTAL DIV. VOLUME - 3.3400 ✓
DIVERSION POINT - SWSW 10 08S 42E 10T LGT REDIV -
FROM - 01-01-70 - 12-31-70 ✓
USE - INDUSTRIAL ✓
DEGREE NAME -
REMARKS -
NON IRRIG USE - I/CUCLING IN AMMONIA PLANT. ✓
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 05-01-1975 ✓
PROOF MADE - P ✓
DIVERSION MEANS - PUMP. ✓

FIRST NAME -
FIRST NAME -
ADDRESS LINE 2 -
CITY - CONDA ✓
STATE - ID ✓
ZIP CODE - 83230 ✓
ORIG OWNER - C ✓
ORIG OWNER -
PRIORITY - 03-18-1974 ✓
COUNTY - CARIBOU ✓
CAREY ACT -
RIGHT BASIS -
TOTAL DIV. RATE - 3.3400 ✓
DLE/CAREY ACT -
RIGHT BASIS -
TOTAL DIV. RATE -
USE DIV. RATE -
DATE -
TRACT NWSW 10T LGT AC
TOTAL ACRES 0 ✓

HEARING -
GLC NO. -

PROTESTED -
COND. OF APPROVAL - 01 ✓

444 031034

RECEIVED

ELAM, BURKE, EVANS, BOYD AND KOONTZ

ATTORNEYS AND COUNSELORS AT LAW

SUITE 1010 FIRST INTERSTATE BANK BUILDING

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

CABLE-EBEBK

JUL 23 1982

Department of

MERRILY MUNTHE
WILLIAM J. RUSSELL
RANDALL A. PETERMAN
DANIEL L. POOLE
KAYE L. O'RIORDAN
RYAN P. ARMBRUSTER
DAVID E. COMSTOCK
CHARLES L. HAY
MELVILLE W. FISHER II
WILLIAM G. DRYDEN
ROBERT C. HAMPTON
BILL V. BRUMLEY, JR.
TODD J. WILCOX
RICHARD KIM DREDGE
BRUCE H. TOMPKINS
KARL JEPPESEN
OF COUNSEL

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL P. BURKE
BLAINE F. EVANS
PETER J. BOYD
ROBERT J. KOONTZ
M. ALLYN DINGEL, JR.
JOHN S. SIMKO
JACK S. GJORDING
LARRY D. RIPLEY
JOHN MAGEL
DAVID B. LINCOLN
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE

July 27, 1982

Mr. David R. Tuthill, Jr.
Supervisor
Water Allocation Section
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

Re: Permit No. 27-7038 DRT

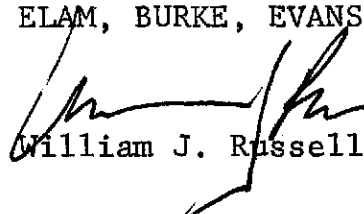
Dear Mr. Tuthill:

Enclosed for filing in this matter please find a Response to Order to Show Cause and Affidavit in Support of Order to Show Cause. This would constitute our written response to the subject Order to Show Cause.

I suspect it might be a good idea if you would give me a call after you have had a chance to review the documents. I would be interested in knowing whether this is sufficient to dispose of the matter, or whether we will need to go forward on some further basis. At any rate, it might be helpful if we could chat.

Sincerely,

ELAM, BURKE, EVANS, BOYD & KOONTZ


William J. Russell

WJR/lse
Enclosures

MICROFILMED

Responded via telecon on 7-30-82.
No written response necessary - need
to re-examine.

DRT 7-30-82

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27-7038)
IN THE NAME OF BEKER INDUSTRIES CORP.) RESPONSE TO ORDER
TO SHOW CAUSE

COMES NOW, Beker Industries Corp., by and through
counsel, and in response to that Order to Show Cause issued
by the Director of the Department of Water Resources and
dated May 25, 1982, does hereby show cause why Permit No.
27-7038 should not be canceled, as follows:

On March 18, 1974, Agricultural Products Corporation
applied to the Department of Water Resources for a permit to
appropriate 3.34 cubic feet per second of water from a
ground water source within the NW1/4SW1/4, Section 10, Twp.
8S, R 42E, Boise Meridian, Caribou County, to be used for
cooling purposes.

On April 19, 1974, the Department approved said applica-
tion for permit.

On April, 22, 1975, the Department received proof of
beneficial use for said permit.

On May 14, 1975, the Department received an assignment
of permit assigning all the right, title, and interest in
said permit to Beker Industries Corp.

Beker Industries Corp has in the past, is currently, and
intends in the future to apply said water to a beneficial
use, to-wit as a source of water for use in manufacturing
processes on a secondary and backup basis, and as a source
for fire protection for the processing plant and operations
of Beker Industries Corp. at the Conda, Idaho facility.
Said beneficial uses are more fully set forth in the accompanying

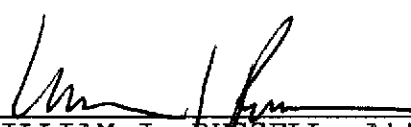
ELAM, BURKE, EVANS, BOYD & KOONTZ
1010 FIRST INTERSTATE BANK BUILDING
P.O. BOX 1559 BOISE, IDAHO 83701
PHONE (208) 343-5454

1 affidavit of Richard P. Fleming.

2 WHEREFORE, it is respectfully shown and submitted that
3 said Permit No. 27-7038 should not be canceled pursuant to
4 that Order to Show Cause referenced herein above. Beker
5 Industries Corp. has previously requested a hearing prior to
6 any attempted cancellation of said permit.

7 DATED this _____ day of July, 1982.

8 ELAM, BURKE, EVANS, BOYD & KOONTZ

9
10 
11 WILLIAM J. RUSSELL, Attorneys for
12 Beker Industries Corp.
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JUL 28 1982

Department of Water Resources

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27-7038)
THE NAME OF BEKER INDUSTRIES CORP.)
AFFIDAVIT IN
SUPPORT OF
ORDER TO SHOW
CAUSE

STATE OF IDAHO)
County of Ada)

I, Richard P. Fleming, being duly sworn upon oath,
depose and say:

1) Your affiant, Richard P. Fleming, is the Engineering
Manager employed by Beker Industries Corp. at the Conda,
Idaho, manufacturing facility. In my capacity as Engineering
Manager, I am generally familiar with the operations of the
Beker Industries Corp. plant at Conda, and am specifically
familiar with the uses of various sources of water, the
operation of process water systems, and other matters
relating hereto as set forth herein.

2) Permit No. 27-7038, issued to Agricultural Products
Corporation on April 19, 1974, and assigned to Beker
Industries Corp., on May 14, 1975, is the groundwater source
permit by which we operate our Well #6. The water appropriated
pursuant to Permit No. 27-7038 has in the past, is currently,
and will, pursuant to present intentions, be in the future
used in a beneficial manner, as set forth hereinbelow.

3) Water from Well #6, which operates pursuant to
Permit No. 27-7038, is used as a secondary and backup
process well to provide water for manufacturing processes at
the Conda facility. In this regard, although water is not
continuously pumped from the well for process purposes,
we have regularly drawn upon Well #6 for water to be used in

ELAM, BURKE, EVANS, BOYD & KOONTZ
1010 FIRST INTERSTATE BANK BUILDING
P.O. BOX 1559 BOISE, IDAHO 83701
PHONE (208) 343-5454

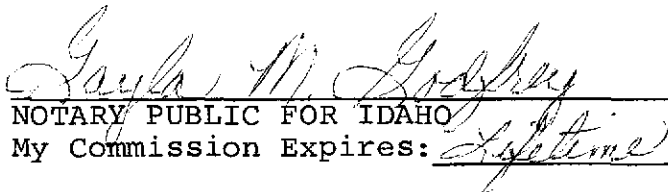
1 the manufacturing process. Additionally, Well #6 is dedicated
2 to fire protection uses, and water from Well #6 is made
3 available for fire protection purposes.

4 4) Well #6 is an important and integral part of the
5 process at the Conda facility, and water from that well is
6 beneficially used. The permit should not be canceled.

7 DATED this 22 day of July, 1982.

8
9 
10 RICHARD P. FLEMING

11 SUBSCRIBED AND SWORN to before me this 22nd day of
12 July, 1982.

13 
14 NOTARY PUBLIC FOR IDAHO
15 My Commission Expires: Lifetime
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June 17, 1982

RE: Permit No. 27-7038

William J. Russell
ELAM, BURKE, EVANS, BOYD & KOONTZ
P.O. Box 1559
Boise, ID 83701

Dear Mr. Russell:

Enclosed please find the copies requested in your letters dated June 4 and June 15, 1982. I apologize for the delay in sending the copies, but should clarify that they were in the process of being sent when we received the second letter.

Pursuant to your request, the deadline for response to the Order is extended to July 31, 1982. We will not take action on your request for a hearing until you have had time to investigate the matter in detail.

If you wish to discuss this permit, feel free to contact me at 334-4104.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

ELAM, BURKE, EVANS, BOYD AND KOONTZ

ATTORNEYS AND COUNSELORS AT LAW

SUITE 1010 FIRST INTERSTATE BANK BUILDING

POST OFFICE BOX 1559

BOISE, IDAHO 83701

TELEPHONE 208-343-5454

CABLE-EBEBK

LAUREL E. ELAM (1888-1974)
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CHARLES L. HAY
MELVILLE W. FISHER II
WILLIAM G. DRYDEN
ROBERT C. HAMPTON
BILL V. BRUMLEY, JR.
TODD J. WILCOX
RICHARD KIM DREDGE
BRUCE H. TOMPKINS
KARL JEPPESEN
OF COUNSEL

June 15, 1982

Mr. David R. Tuthill, Jr.
Supervisor
Water Allocation Section
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho, 83720

RECEIVED
JUN 16 1982
Department of Water Resources

RE: Permit No. 27-7038

Dear Mr. Tuthill:

Reference is made to my letter dated June 4, 1982, copy enclosed. Nearly two weeks have elapsed since that letter, and given that the date now set for the Department's Order to Show Cause is fast approaching, I feel it is necessary to follow up. In order to properly respond to the Order to Show Cause, it is necessary that Beker have full notice and understanding of the basis for the Order in a timely manner. Therefore, I must ask that you forward a copy of the investigative material and examiner's report forthwith. This information is necessary to give Beker notice in clear and concise manner of the "reasons why the cancellation of said permit is proposed," pursuant to I.C. §42-311 and due process requirements. Please consider this letter a demand for the referenced material.

Further, it appears that additional time will be necessary to prepare a response to the Order to Show Cause. Given that the Examiner's Report is referenced therein and not attached thereto, and given further the delay in response to my June 4, 1982 correspondence, additional time is appropriate. I therefore request an additional thirty (30) days to respond to the Order to Show Cause, and ask that the Department extend the time to Show Cause accordingly. I might add that there is some logistical difficulty in preparing, given Conda's distance from Boise.

MICROFILMED

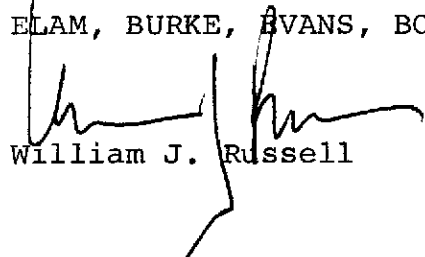
Mr. David R. Tuthill, Jr.
June 15, 1982
Page Two

Finally, I request, on Beker's behalf, a hearing on this matter pursuant to I.C. §42-311 and in accordance with I.C. §42-1701A(1) and (2).

Given the June 30, 1982 deadline now pending, I would greatly appreciate a prompt reply.

Very truly yours,

ELAM, BURKE, EVANS, BOYD & KOONTZ



William J. Russell

jm
Enc.

cc: Richard P. Fleming
Beker Industries
Conda, Idaho

MICROFILMED

RECEIVED

JUN 7 1982

ELAM, BURKE, EVANS, BOYD AND KOONTZ

ATTORNEYS AND COUNSELORS AT LAW
SUITE 1010 FIRST INTERSTATE BANK BUILDING
POST OFFICE BOX 1559
BOISE, IDAHO 83701
TELEPHONE 208-343-5454
CABLE-EBEBK

Department of Water Resources
MURRAY MUNTHER
WILLIAM J. RUSSELL
RANDALL A. PETERMAN
DANIEL L. POOLE
KAYE L. O'RIORDAN
RYAN P. ARMBRUSTER
DAVID E. COMSTOCK
CHARLES L. HAY
MELVILLE W. FISHER II
WILLIAM G. DRYDEN
ROBERT C. HAMPTON
BILL V. BRUMLEY, JR.
TODD J. WILCOX
RICHARD KIM DREDGE
BRUCE H. TOMPKINS
KARL JEPPESEN
OF COUNSEL

LAUREL E. ELAM (1888-1974)
CARL A. BURKE (1898-1961)
CARL P. BURKE
BLAINE F. EVANS
PETER J. BOYD
ROBERT J. KOONTZ
M. ALLYN DINGEL, JR.
JOHN S. SIMKO
JACK S. GJORDING
LARRY D. RIPLEY
JOHN MAGEL
DAVID B. LINCOLN
RICHARD C. MELLON, JR.
ROBERT M. TYLER, JR.
JAMES D. LARUE

June 4, 1982

Mr. David R. Tuthill, Jr.
Supervisor
Water Allocation Section
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho, 83720

RE: Permit No. 27-7038

Dear Mr. Tuthill:

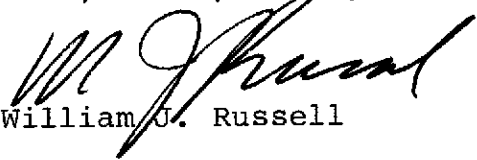
This letter is to advise you that this firm will represent Beker Industries Corporation with regard to proceedings pursuant to the Order to Show Cause, Permit No. 27-7038, which order is dated May 25, 1982. All further correspondence should be addressed to the undersigned.

I would appreciate it if you would forward a copy of the examiner's report referenced in the Order to Show Cause, together with any other investigative material underlying same. Upon receipt of this information, we will endeavor to respond as expeditiously as possible.

I very much appreciate your cooperation.

Sincerely,

ELAM, BURKE, EVANS, BOYD & KOONTZ


William J. Russell

jm

cc: Richard P. Fleming

MICROFILMED

GENERAL: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space
below.

1. The following service is requested (check one)

- ☒ ~~XXX~~ Show to whom and date delivered.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

CONSULT POSTMASTER FOR FEES

2. ARTICLE ASSIGNED TO:

Baker Industries Corporation
P.O. Box 37
Conda, ID 83230

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED MAIL	INSURED AMT.
32900		

(Always obtain signature of addressee or agent)

MICROFILMED

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Designated agent

Blake Haddock

DATE OF DELIVERY

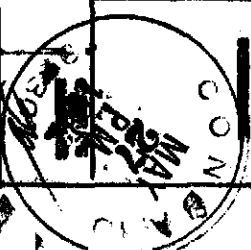
5-27-82

4. ADDRESS (Complete only if changed)

5. CHANGE TO DELIVERER REQUEST:

RETURNED MAIL, REGISTERED, INSURED AND CERTIFIED MAIL

27-7038



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits.
 - affixes affix to back of article.
 - Endorse article "Return Receipt Requested"
- adjacent to number.

RETURN TO SENDER



DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720

(Name of Sender)

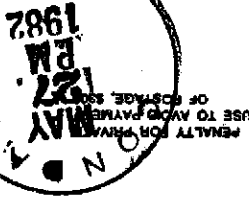
MAY 28 1982

Department of Water Resources

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

May 25, 1982

CERTIFIED MAIL # 32900

RE: Permit No. 27-7038

Beker Industries Corporation
P.O. Box 37
Conda, ID 83230

Gentlemen:

Enclosed is an Order to Show Cause why Permit No. 27-7038 in your name, should not be cancelled.

Note that any information in response to this Order must be submitted by June 30, 1982. Please contact this office if you have any questions.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

cc: Eastern Region

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27-7038)
IN THE NAME OF BEKER INDUSTRIES CORP.)
_____)

ORDER TO SHOW CAUSE

WHEREAS, on March 18, 1974, Agricultural Products Corp. applied to the Department of Water Resources for a permit to appropriate 3.34 cubic feet per second of water from a groundwater source within the NW1/4SW1/4, Section 10, Twp. 8S, Rge. 42E, B.M., Caribou County to be used for cooling purposes; and,

WHEREAS, on April 19, 1974 the Department approved said Application for Permit; and,

WHEREAS, on April 22, 1975 the Department received Proof of Beneficial Use for said permit; and,

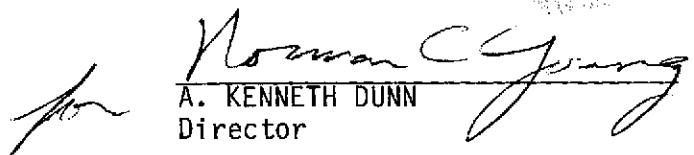
WHEREAS, on May 14, 1975 the Department received an Assignment of Permit assigning all the right, title and interest in said Permit to Beker Industries Corp.; and,

WHEREAS, on March 16, 1982 the Department conducted a field examination and the examiner's report indicated that water had not been put to a beneficial use; and,

WHEREAS, pursuant to the provisions of Section 42-311, Idaho Code, the Director of the Department of Water Resources is empowered to cancel permits for which development requirements have not been completed;

IT IS, THEREFORE ORDERED that the permit holder show cause before the Director of the Department of Water Resources on or before June 30, 1982 why Permit No. 27-7038 should not be Cancelled.

Dated this 25th day of May, 1982.


A. KENNETH DUNN
Director

547-3733

as per assessor's office

FROM

Kay Walker

TO

27-7038

SUBJECT

ownership of land

INTER-DEPARTMENT MEMO — 1

DATE

5/18/82

Baker

Conda, Id.

MICROFILMED

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM H.W. Jones

DATE 3-16-82

TO Robyn / Jim Johnson

SUBJECT Permit 27-7038

Upon arrival at Beker Industries plant site I was informed that well in question was not operational. Therefore I recommend cancellation of said Permit

MICROFILMED

H.W. Jones

SIGNATURE

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED
MAY 19 1975

1. Name of permit holder Beker Industries Corp.
Post office address P. O. Box 37, Conda, ID Department of Water Resources
Person to contact _____ Eastern District Office
Phone 544-4381

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to * _____

3. Water will be used for the following purposes:

Amount 3.342 c.f.s. for Cooling in plant
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 27-7038
Examination for b/u

4. Total amount to be appropriated: #6 well - Not functioning as part of plant
Max Rate of Diversion 3.342 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 8S N/S, Range 42E E/W, B.M., Section 10, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Caribou County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Water is diverted with a 14" turbine pump driven by a 200 hp elec. motor. The well depth is 300'. The well casing is 16" dia., to 141' 10" & 14" dia. from 174' to 300'.

Measuring device required: yes ☒ no ☐

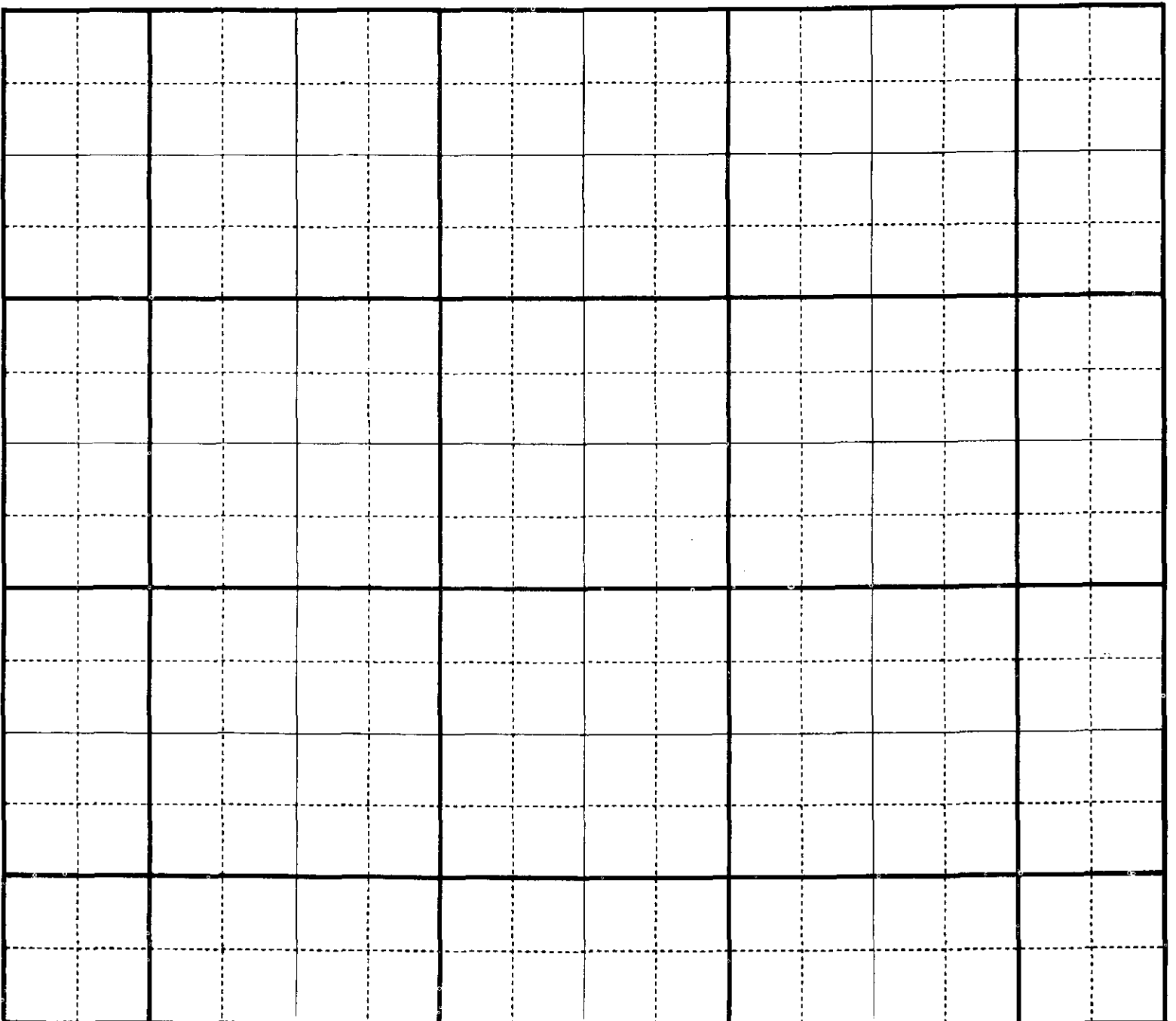
6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	42E	10									X								

MIDPOT MED

TOTAL ACREAGE _____

Diagram of System



DATE OF EXAM _____

ACREAGE

Found _____

Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

SYSTEM DESCRIPTION:

REMARKS:

MICROFILMED

Examiner's Signature _____ Date _____

Checked by _____ Date _____

Approved by Polyn _____ Date 4-12-82

May 16, 1975

Re: Permit No. 27-7038

Beker Industries Corp.
Attn: Myrleen E. Kelly, Chief Chemist
P. O. Box 37
Conda, Idaho 83230

Dear Mr. Kelly:

We acknowledge receipt of the assignment submitted conveying the above referenced permit to Beker Industries Corp. The assignment has been recorded and the Department's records changed accordingly.

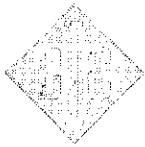
Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Eastern District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG



BEKER INDUSTRIES CORPORATION

PLANT OFFICE CONDA, IDAHO 83220

P. O. BOX 37 - PHONE (208) 847-4341

May 13, 1975

D. Darlene Reich
Water Rights Supervisor
Department of Water Resources
Statehouse
Boise, ID 83720

Dear Ms. Reich:

Enclosed is the completed assignment form transferring
Permit No. 27-7038 from Agricultural Products Corporation
to Beker Industries Corporation.

Very truly yours,

Myrlen E. Kelly
Chief Chemist

MEK:lmb

Enclosure

May 1, 1975

Re: Permit No. 27-7038 - Agricultural Products Corporation

Beker Industries Corporation
Attn: Myrlen E. Kelly, Chief Chemist
P. O. Box 37
Conda, ID 83230

Dear Mr. Kelly:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

However, before we can process this proof affidavit, this permit must be assigned to Beker Industries Corporation as it is now in the name of Agricultural Products Corporation. Enclosed is an assignment form for your use in this matter.

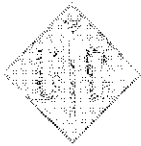
Please complete and return the assignment form as soon as possible so that we may process this proof affidavit.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

RECEIVED



BAKER INDUSTRIES CORPORATION

PLANT OFFICE: COBURN, IDAHO 83306

P. O. BOX 27 - PHONE (208) 547-4851

April 18, 1975

Mr. R. Keith Higginson, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Higginson:

Enclosed is a completed, "Proof of Application of Water to Beneficial Use" form covering our Permit No. 27-7038.

Please advise if we need to do anything further to obtain a water license.

Very truly yours,

Myrlen E. Kelly
Chief Chemist

MEK:lmb

Enclosure

Identification No. 27-7038

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

APR 19 1974
Department of Water Resources

1. a) Name of Permit Holder Beker Industries Corporation
b) Post Office Address Post Office Box 37 Conda, Idaho 83230
2. Permit Number 27-7038
3. Date of Priority that you are prepared to establish March 18, 1974
4. a) Source from which water was appropriated Ground Water
b) Location of the point of diversion: SW ¼ SW ¼, Section 10
Township 8S, Range 42E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 3.342 CFS for manufacturing purposes from January 1 to December 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.342 CFS cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Rate of flow measurements were determined with Orifice plates and differential pressure cells. Measurements made by Mike Sohn, Instrument Engineer
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works:

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Water is diverted with a 14" turbine pump driven by a 200 H.P. electric motor. The well depth is 300'. The well casing is 16" diameter to 141' 10" and 14" diameter from 174' to 300'.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
The flow from the well is diverted to 4 usage points. Each point is equipped with an Orifice plate and a Foxboro Model 13A1 differential pressure cell.
c) Give well driller's name and address and the date the well was completed:
Andrew Well Drilling Contractors 1268 East 17th Street
Idaho Falls, Idaho 83401
Well completed August 21, 1974
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
The water is used in fertilizer manufacturing. Place of use: SW ¼ of SW ¼ of Section 10, Township 8S, Range 42E B.M., Caribou County

Exam typed 5/15/75 by jg

MICROFILMED

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

April 18, 1975

(Date)

Myndert E. Kelly
(Signature)

State of Idaho)

County of Caribou) ss.

On this 21 day of April, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ferris L. Coall
Notary Public residing at Georgetown,
Idaho.

My commission expires April 1977

- SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and
 show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
 show to whom, date, and address of
 delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

242546

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

B.F.C.

X Barbara Demman

DATE OF DELIVERY

3/3/71

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

JMS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

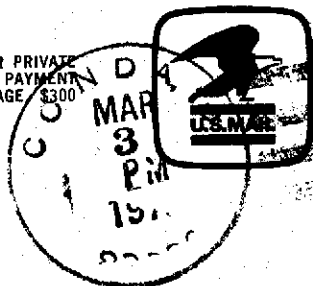
- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



**DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



February 28, 1975

CERTIFIED MAIL

#26544

Re: Permit No. 27-7038

Agricultural Products Corporation
P. O. Box 37
Conda, ID 83230

Gentlemen:

One of the conditions of approval of your water Permit No. 27-7038 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

December 18, 1974

Re: Permit No. 27-7038

Agricultural Products Corporation
Box 37
Conda, Idaho 83238

Gentlemen:

Enclosed is a copy of your approved application for amendment issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

April 19, 1974

Re: Permit No. 27-7038

Agricultural Products Corporation
P. O. Box 37
Conda, Idaho 83230

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 27-7038. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

27 7038

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) RDC 3/18/74 Application No. APC
- (2) Correct Item 3
- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee
- (3) " " In form to receipt YES
- " " Send Copies to:
Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management
- (4) " " Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
- (5) " " In form for advertising YES
- (6) " " Located within Water District No. NA
- (7) " " Critical groundwater area: yes no ☒
- (8) " " Groundwater levels:
Decline (comment)
Stable (comment) 1-20-61 WIB #29
Increasing (comment)
- (9) " " Comments: "
- (10) MB 4/5/74 Affidavit of Publication received (date) April 5, 1974
- (11) MB 4/15/74 Final date for protests April 15, 1974
Protests received: yes no X
- (12) " " Date and Place of hearing NA
Decision reached at hearing NA
- (13) RDC 4/15/74 All requested information received from agencies or applicant
yes no DC
- (14) " " Action recommended:
☒ Approve Priority 3/18/74
Deny Reason for Reduction "
☒ Measuring device required
See attached sheet for additional conditions of approval
No additional conditions for approval
- (15) District E By RDC Date 4/15/74

XXXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

March 22, 1974

RE: Application for Permit No. 11-7055 - Christman & Hopkins
27-7038 - Agricultural Products

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:CB

Bill submitted 4-5-74 by NB

Enc: Legal Notice (2)

27 7038

**Mr. NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Agricultural Products Corporation, P. O. Box 37, Conda, Idaho, has on March 18, 1974 submitted Application No. 27-7038 for a permit to appropriate 3.342 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 8S, R. 42E, B.M., Caribou County, to be used from Jan. 1 to Dec. 31 for cooling of an ammonia plant within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 8S, R. 42E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 15, 1974.

R. KEITH HIGGINSON,

Director

Published in the Caribou County Sun, Soda Springs, Idaho, on March 28 and April 4, 1974.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Agricultural Products Corporation,
P.O. Box 37, Conda, Idaho
has on 3/18/74 submitted Application No. 27-7038
for a permit to appropriate 3.342 cubic feet per second ~~acres feet per annum~~
of water from a ground-water source
by means of well and pump
within the NW~~4~~SW~~4~~, Sec. 10, T. 8S, R. 42E, B.M., Caribou County;
to be used from Jan. 1 to Dec. 31
for cooling of an ammonia plant
within the NW~~4~~SW~~4~~, Sec. 10, T. 8S, R. 42E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 15, 1974.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on March 28 and April 4, 1974.

27 7038

ME
27-7038

March 19, 1974

Mr. Bryce H. May, Project Engineer
Agricultural Products Corporation
P. O. Box 37
Conda, Idaho 83230

Dear Mr. May:

Attached herewith is departmental receipt No. 12787 in the amount of \$55.00 for the Application for Permit which we received on March 18, 1974.

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

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

Attachment

27 7028

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

March 8, 1974

Mr. Bryce H. May, Project Engineer
Agricultural Products Corporation
P. O. B - 37
Conda, Idaho 83230

Dear Mr. May:

Enclosed please find your check No. 92-204 in the amount of \$95.00 and also, your Application for Permit.

The filing fee for the rate of diversion which you requested is only \$55.00. Please return the application with the appropriate filing fee of \$55.00 for the 3.342 c.f.s. requested and we will begin processing your application.

In Item 7, we have changed the time required for the completion of the works and application of the water to the proposed beneficial use to 1 year, as this the minimum time we can allow.

We hope we have not inconvenienced you concerning this matter.

Very truly yours,

RONALD D. CARLSON
Asst. to the District Engineer

RDC:MB

Enc: Check No. 92-204 (\$95.00)
Application for Permit

27 7038

Exception

C1282

C2280

Plant Site

WARRANTY DEED

THIS INDENTURE made as of the 19th Day of May, 1972
between EL PASO PRODUCTS SERVICE COMPANY, a corporation organized
under the laws of the State of Texas, (hereinafter called "Service"),
and AGRICULTURAL PRODUCTS CORPORATION, a corporation organized
under the laws of the State of Delaware, (hereinafter called
"Products"),

WITNESSETH, that Service, for and in consideration of the
sum of Ten and No/100 Dollars (\$10.00), and other valuable con-
sideration to it in hand paid by Products, the receipt whereof is
hereby acknowledged, has granted, bargained and sold, and by
these presents does grant, bargain, sell, convey and confirm unto
Products, and to its assigns forever, all of the following described
real estate, situated in Caribou County, Idaho:

L/D 64044, G-1 Section 15, T.8 S., R.42 E., B.M.

That part of the NW1/4NW1/4 of said Section 15 lying
north of the Conda Road and more particularly described
by metes and bounds as follows:

Beginning at a point, said point being the common section
corner of Sections 9, 10, 15, and 16, Township 8 South,
Range 42 East, Boise Meridian, Caribou County, State of
Idaho, thence N 89°55' E along the common section line of
said sections 10 and 15 a distance of 1327.57 feet to a
point;

Thence South 00°05' West a distance of 770.22 feet to a
point on the northerly right of way line of Conda Road;

Thence South 81°53' West along said northerly right of
way line of Conda Road a distance of 328.39 feet to a
point;

Thence 550.86 feet along said northerly right of way line
of Conda Road and along the arc of a curve to the right
whose central angle is 22°01' and whose radius is 1422.50
feet and whose chord bears North 87°06' West a distance
of 547.49 feet to a point;

Thence North 76°09' West and continuing along the said
northerly right of way line of Conda Road a distance of
463.74 feet to a point in the common section line of said
Sections 15 and 16;

Thence North 00°13' East along said common section line of
said Sections 15 and 16 a distance of 671.61 feet to the
Point of Beginning and containing in all 21.765 acres of
ground more or less.

L/D 640

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27 7038

convey

RESERVING THEREFROM that certain tract of land conveyed
by El Paso Natural Gas Products Company to Intermountain
Gas Company by Warranty Deed recorded in the Microfilm
Records of Caribou County, Idaho, under No. 61232.

30x75
Gas
34a

L/D 64044, C-2 Section 10, T.8 S., R.42 E., B.M.

W1/2NW1/4, SW1/4, EXCEPT THEREFROM, all of that part of
W1/2NW1/4, SW1/4SW1/4, lying West of a line 50 feet East
of and parallel to the following described center line:

Beginning at a point on center line which is East 574
feet from the Northwest corner of Section 10, aforesaid,
and running thence S 34°57' W 186.76 feet to the P.S. of
a curve left;

Thence 1406.67 feet on a 3°00' curve left with 200 foot
spirals on each end to the P.T. of the curve;

Thence S 1°15' E 1525.76 feet to the P.S. of a curve right;

Thence 539.61 feet on a 3°00' curve right with a 200 foot
spiral on the North end to a point on the curve and center
line which is South 3475 feet from the Northwest corner of
Section 10.

EXCEPTING THEREFROM those certain tracts of land designated
as Tract No. 1 containing 43.429 acres more or less and
Tract No. 2 containing 1.06 acres more or less conveyed by
El Paso Products Company to Mountain Fuel Supply Company
by Warranty Deed recorded 12/15/67 in the Microfilm Records
of Caribou County, Idaho under No. 62283.

30x
75
Gas
34a

L/D 64044, G-3 Section 16, T.8 S., R.42 E., B.M.

NE1/4NE1/4 of said Section 16, EXCEPTING THEREFROM the
following two described tracts:

A tract of land 100 feet in width lying 50 feet on either
side of center line of the Railroad as now surveyed and
laid out upon the ground, said tract being more particu-
larly described as follows:

Beginning at Station 314+60 on said center line of the
railroad from which point the Northwest corner of NE1/4
NE1/4 of Section 16, T.8 S., R.42 E., B.M. bears North
0°32' West a distance of 1230.3 feet, and running thence
South 0°32' East along the West boundary of said NE1/4
NE1/4 a distance of 83.5 feet;

Thence in an Easterly direction by a curve to the right
of 1096.3 feet radius a distance of 1138.9 feet; thence
by a decreasing spiral curve to the right a distance of
112.5 feet; thence South 74°21' East a distance of 54.1
feet to a point on the East boundary of said NE1/4NE1/4;
thence North 6°02' East a distance of 101.3 feet; thence
North 74°21' West a distance of 11.3 feet; thence in a
westerly direction by an increasing spiral curve to the
left a distance of 117.5 feet; thence by a curve to the
left of 1186.3 feet radius a distance of 1209.7 feet to
a point on said West boundary of NE1/4NE1/4; thence South
0°32' East along said West boundary a distance of 78.6
feet to the place of beginning.

B

C

27 7078

convey the same; that the Property is free of all liens and encum-

GRAND JURY, et al.

Also, a parcel of land extending 50 feet on each side of the following described center line, to-wit:

Commencing at a point which is West 379 feet from the Northeast corner of Section 16, T.8 S., R.42 E., B.M.;

Thence South 28°19'30" West 713 feet to a point on a fence line, which is South 629 feet and West 1320 feet from the Northeast corner of Section 16.

Also, All of that land lying and being Westerly of said 100 foot strip of land as immediately heretofore described and located in the NE1/4NE1/4 of said Section 16.

L/D 64044, G-4 Section 9, T.8 S., R.42 E., B.M.

Beginning at the Northeast corner of said Section 9, and running thence S 0°13' W 2,882.62 feet along the Easterly boundary of said Section 9, to the P.C. of a curve in the Westerly line of the Monsanto Haul Road;

Thence 912.52 feet along the arc of a curve to the right (in the right-of-way line of the Monsanto Haul Road) whose radius is 1,860.08 feet and whose long chord bears S. 14°16'15" W a distance of 903.40 feet;

Thence S 28°19'30" W 1,733.05 feet along the Westerly line of Monsanto Haul Road to a point in the Southerly line of Section 9;

Thence S 89°47' W 1,218.44 feet along the South line of Section 9, to a point being the Southwest corner of this tract;

Thence N 0°13' E 5,284.58 feet to a point in the Northerly line of Section 9, said point being the Northwest corner of this tract;

Thence N 89°54' E 2,254.33 feet along the North line of Section 9, to the point of beginning; containing 250 acres of land.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rent, issues, and profits thereof, and all estate, title, right, and interest in and to the said property, as well in law as in equity, of Service.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto Products, and to its successors and assigns forever and Service does hereby covenant with Products that Service is the lawful owner of the above property, and has good right to sell and

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1515 Lincoln Road

February 27, 1974

Mr. Bryce H. May, Project Engr.
Agricultural Products Corp.
P. O. Box 37
Conda, Idaho 83230

Dear Mr. May:

We find it necessary to return your application for the following reasons, which may aid you in filing the enclosed application for permit:

- (1) In Item 3, please complete this section showing the well location to the nearest 40 acre subdivision.
- (2) In Item 4, this Department can only accept the rate of diversion in cubic feet per second or acre feet per annum. On the new application, the g.p.w. figure should be converted to 7.45 c.f.s. The acre feet designation will be made by this Department at the time of licensing. If you desire to file for 7.45 c.f.s., please put that amount in the appropriate blank. Also, since the work in the plant is continuous, the dates should be included, i.e., Jan. 1 to Dec. 31.
- (3) Item 5a should result in c.f.s., the total amount of water to be appropriated.
- (4) In Item 8c, if any other well will be tied into this system for an emergency or for combining your new well system, please indicate same.
- (5) In Item 9b, please show ownership of the place of use.
- (6) In the signature block, if you plan to sign the new application, also include a Power of Attorney form (form enclosed). However, if an elected official of the corporation, i.e., President, Vice President, etc., should sign the application, the Power of Attorney will not be needed.

The statutory filing fee for 7.45 c.f.s. is \$95.00. Please complete the new application, sign it on page 3 and return it with the statutory filing fee so processing can commence.

It has been a pleasure serving you in this matter. If you have any questions, please contact me at this office.

Very truly yours,

BILL RHOADS
Water Resource Technician

BR:mb
Encl sures

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]