

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED
APR 14 2004
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
11-7479	done		27-7057	-done	
11-7480			27-7058 (50% undivided interest)		✓
11-7512					
27-4063					

2. The following **REQUIRED** information must be submitted with this form:

- ✓A. The appropriate **FILING FEE**. See instructions for the fee amounts.
- ✓B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of division and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of division clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- | | | |
|----|--|--|
| 3. | Name and address of Former Owner/Claimant(s) | Astaris Production LLC
622 Emerson Road, Suite 500, St. Louis, MO 63141 |
| 4. | New Owner/Claimant(s) | Nu-West Industries, Inc. |
| | Name Connector (Check one): | [] and [] or, [] and/or |
| | New Mailing Address | 3010 Conda Road |
| | City, State and ZIP Code | Soda Springs, Idaho 83276 |
| | New Telephone Number | (208) 547-4381 xt. 204 |
| 5. | Date you acquired the property | 5 March 2004 |

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>7-7058</u>		
Water Use	Division Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>MINING</u>	<u>1 CFS</u>	_____
Total	<u>1 CFS</u>	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Division Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Nu-West Industries, Inc.
(include title if applicable) by: Jan Goodale VP

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by JC Date 4-14-04 Fee \$ 225-
 Receipted by JC Date 4-14-04 Receipt No. E029719
 Processed by _____ AJ Date _____ WR _____ Date _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, **Astaris Production LLC**, a Delaware limited liability company, the Grantor, does hereby grant, bargain, sell and convey unto **Nu-West Industries, Inc.**, a Delaware corporation, the Grantee, whose address is 3010 Conda Road, Soda Springs, Idaho, the following described real property, to-wit:

The property described in Attachment A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located in Caribou County, State of Idaho,

TOGETHER WITH all of Grantor's right, title and interest in and to all minerals and mineral rights, and oil and gas, and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including, without limitation, all of Grantor's interest in water rights numbers 27-4063, 27-7057, and an undivided fifty percent (50%) interest in water right 27-7058,

TOGETHER WITH (i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, (ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public

roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and (iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable; and

(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns forever against the lawful claims of all persons, excepting, however, the matters above set forth.

The balance of this page has been left blank intentionally.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of
the 5th day of March, 2004.

ASTARIS PRODUCTION LLC



A handwritten signature in dark ink, appearing to read "Robert J. Ashton", is written over a horizontal line.

By (print name): ROBERT J. ASHTON

Title: SECRETARY

E2-3

STATE OF Missouri)

) ss.

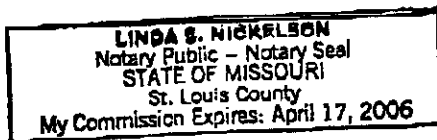
County of St. Louis)

On this 5th day of March, 2004 before me, Linda S. Nickelson notary public in and for said State, personally appeared Robert J. Ashton known or identified to me to be the Secretary of ASTARIS PRODUCTION LLC, a Delaware limited liability company, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Linda S. Nickelson

Notary Public

Residing at: St. Louis, MOMy Commission Expires: April 17, 2006

E2.4

Attachment A

PARCEL 1:

A parcel of land located in Sections 8, 9, 16 and 17 in Township 8 South, Range 44 East, Caribou County, Idaho and further described as follows:

Beginning at the Northeast corner of said Section 8 from which the Northwest corner of said Section 8 bears South 89°44'14" West;
 thence North 89°50'43" East 201.50 feet to a 5/8 inch rebar with cap set on the North line of said Section 9;
 thence South 08°52'14" East 1011.68 feet to a 5/8 inch rebar with cap;
 thence North 89°50'43" East 2190.00 feet to a point on the North-South center line of said Section 9, said point being South 00°01'35" East 1000.00 feet from the North quarter corner of said Section 9;
 thence South 00°01'35" East 1643.57 feet to the center of said Section 9;
 thence North 89°49'57" East 2109.83 feet to a 5/8 inch rebar with cap;
 thence South 26°20'30" East 860.26 feet to a 5/8 inch rebar with cap;
 thence South 89°51'30" West 95.81 feet to a 5/8 inch rebar with cap;
 thence South 00°02'14" East 550.79 feet to a 5/8 inch rebar with cap;
 thence North 89°51'30" East 55.00 feet to a 5/8 inch rebar with cap set on a 1358.81 foot radius non-tangent curve concave to the Northwest whose center bears North 81°12'49" West;
 thence Southwesterly along said curve through a central angle of 06°04'19", a distance of 144.00 feet to the point of tangency, (chord bears South 11°49'20" West 143.93 feet);
 thence South 14°51'30" West 597.00 feet to a 5/8 inch rebar with cap set on a 1029.28 foot radius non-tangent curve whose center bears South 64°19'48" East;
 thence Southeasterly along said curve through a central angle of 34°56'48" a distance of 627.79 feet to a point on the South line of said Section 9 that is South 89°53'03" West 252.00 feet from the Southeast corner of said Section 9, (chord bears South 11°48'12" East 618.11 feet);
 thence South 34°19'05" East 447.37 feet to a 5/8 inch rebar with a cap set on the East line of said Section 16 said point being South 00°02'02" East 370.00 feet from the Northeast corner of said Section 16;
 thence South 00°02'02" East 2267.13 feet to the East quarter corner of said Section 16;
 thence South 00°02'02" East 2640.74 feet to the Southeast corner of said Section 16;
 thence South 89°47'07" West 1321.77 feet to the East 1/16th corner of the South line of said Section 16;
 thence North 00°02'45" West 2642.10 feet to the center East 1/16th corner of said Section 16;
 thence North 00°02'45" West 2638.05 feet to the East 1/16th corner on the North line of said Section 16;
 thence South 89°53'03" West 1322.87 feet to the South quarter corner of said Section 9;
 thence South 89°53'03" West 2640.56 feet to the Southwest corner of said Section 9;
 thence South 00°07'09" East 1320.40 feet to the North 1/16th corner on the East line of said Section 17;
 thence South 89°47'09" West 1320.81 feet to the Northeast 1/16th corner of said Section 17;
 thence North 00°06'07" West 1319.63 feet to the East 1/16th corner on the North line of said Section 17;
 thence South 89°45'09" West 1320.42 feet to the South quarter corner of said Section 8;
 thence North 00°06'04" West 2642.96 feet to the center of said Section 8;
 thence North 00°06'04" West 1320.78 feet to the center North 1/16th corner of said Section 8;
 thence North 89°45'55" East 1320.39 feet to the Northeast 1/16th corner of said Section 8;
 thence North 00°05'29" West 1321.43 feet to the East 1/16th corner on the North line of said Section 8;
 thence North 89°44'14" East 1320.62 feet to the TRUE POINT OF BEGINNING.

PARCEL 2:

A parcel of land located in Section 19, Township 7 South, Range 43 East, Boise Meridian, Caribou County, Idaho, and further described as follows:

Beginning at the East Quarter Corner of said Section 19, monumented with a 5/8" rebar and cap labeled "AA Hudson, PLS 4735", located South 00°36'14" West 2488.14 feet from the Northeast corner of said Section 19;

thence South 00°00'16" West 1329.26 feet along the East boundary of Section 19 to the South 1/16th on the East line of Section 19 monumented with a 5/8" rebar and cap;

thence South 88°52'08" West 1132.14 feet along the South boundary of the NE¼SE¼ to the Northeasterly right-of-way line of the railroad, said point being on a 914.93 foot radius non-tangent curve concave to the Northeast whose center bears North 18°51'54" East;

thence Northwesterly along said curve (right-of-way) through a central angle of 00°50'14" a distance of 13.37 feet to the point of spiral curve (Chord = North 70°42'59" West 13.37 feet);

thence Northwesterly along said spiral curve (Chord = North 66°03'53" West 186.29 feet) to the West boundary of said NE¼SE¼, monumented with a 5/8" rebar and cap;

thence North 00°05'57" East 1246.61 feet along the West boundary of said NE¼SE¼ to the Northwest corner thereof, monumented with a 5/8" rebar and cap;

thence South 88°54'30" West 1312.99 feet along the South boundary of the SW¼NE¼ of Section 19, to the Southwest corner of the NE¼ of Section 19, monumented with a 5/8" rebar and cap;

thence North 00°11'37" East 2577.07 feet along the West boundary of said NE¼ to the North quarter corner of Section 19, monumented with a 5/8" rebar and cap;

thence South 89°09'14" East 1321.65 feet along the North boundary of Section 19 to the Northeast corner of the NW¼NE¼ of Section 19, monumented with a 5/8" rebar and cap;

thence South 00°23'42" West 1266.30 feet along the East boundary of said NW¼NE¼ to the Southeast corner thereof, monumented with a 5/8" rebar and cap;

thence North 89°52'50" East 1317.14 feet along the North boundary of the SE¼NE¼ of Section 19 to the Northeast corner thereof, monumented with a 5/8" rebar and cap;

thence South 00°36'14" West 1244.07 feet along the East boundary of Section 19 to the TRUE POINT OF BEGINNING.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, **Astaris Production LLC**, a Delaware limited liability company, the Grantor, does hereby grant, bargain, sell and convey unto **Nu-West Industries, Inc.**, a Delaware corporation, the Grantee, whose address is 3010 Conda Road, Soda Springs, Idaho, the following described real property, to-wit:

The property described in Attachment A attached hereto and, by this reference, incorporated herein as if set forth in full, which property is located in Caribou County, State of Idaho,

TOGETHER WITH all of Grantor's right, title and interest in and to all minerals and mineral rights, and oil and gas, and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including, without limitation, all of Grantor's interest in water rights numbers 11-7480 and 11-7479 (formerly 11-0044B) and 11-7512 (formerly a portion of 11-4043), owned by Astaris.

TOGETHER WITH (i) all other and singular tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, (ii) all reversionary, underlying or other right, title and interest of Grantor in and to the rights-of-way of all public roads, streets, or ways, and of all railroads or easements, abutting upon said premises or any part thereof, and (iii) all right, title and interest of Grantor in and to any and all lands lying beneath, or constituting the bed of any waterway or body of water, abutting upon said premises or any part thereof.

SUBJECT TO:

(i) existing building and zoning regulations, easements, rights-of-way, subdivision and deed restrictions and reservations, and all other matters of record similar to the foregoing;

(ii) matters which a survey or inspection of the premises would reveal;

(iii) the lien for local real property taxes for the current year which are not yet due and payable; and

(iv) unpatented mining claims and reservations or exceptions in patents or in Acts authorizing the issuance thereof.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and its successors and assigns forever.

Grantor does hereby covenant that it and its successors shall and will WARRANT and DEFEND the title to said premises unto Grantee and its successors and assigns forever against the lawful claims of all persons, excepting, however, the matters above set forth.

The balance of this page has been left blank intentionally.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of
the 5th day of March, 2004.

ASTARIS PRODUCTION LLC

Robert J. Ashton

By (print name): ROBERT J. ASHTON

Title: SECRETARY

Exh. E1 - Attachment A-4

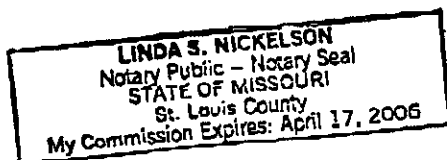
STATE OF Missouri)

) ss.

County of St. Louis)

On this 5th day of March, 2004 before me, Linda S. Nickelson, a notary public in and for said State, personally appeared Robert J. Ashton, known or identified to me to be the Secretary of ASTARIS PRODUCTION LLC, a Delaware limited liability company, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Linda S. Nickelson
Notary Public

Residing at: St. Louis, Mo

My Commission Expires: April 17, 2006

Exh. E1 - Attachment A-5

Attachment A

Caribou County, Idaho:

Township 9 South, Range 42 East of the Boise Meridian:

Section 19: S½SE¼NE¼, NE¼SE¼.

Section 20: SW¼NE¼, NW¼, N¼SW¼, SE¼SW¼, W¼SE¼.

Section 29: NW¼NE¼, N¼NW¼ ALSO. All that part of the SW¼NW¼ lying North of the center line of Bear River, and more particularly described as follows:

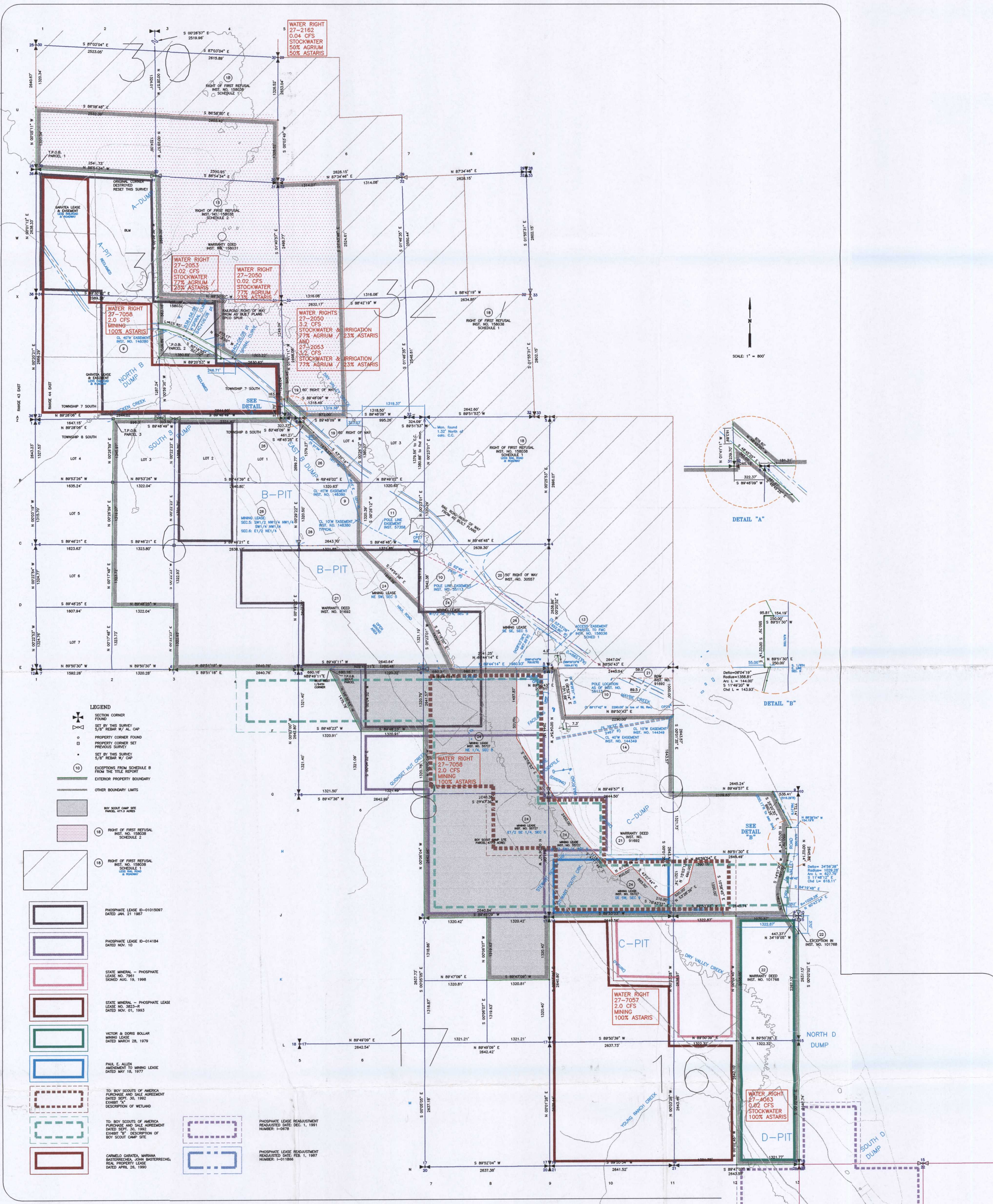
Beginning at a point where the West line of said Section 29, intersects the center line of Bear River, and running;
thence North on said West line 345 feet, more or less, to the North 1/16th corner on said West line;
thence East on the North 1/16th line, 1320 feet, more or less, to the Northwest 1/16th corner of said Section;
thence South along the West 1/16th line 730 feet, more or less, to the center line of Bear River;
thence following the center line of Bear River in a Westerly direction, to the POINT OF BEGINNING.

EXCEPT THEREFROM:

A right of way for Bailey Creek Road, a County road, 80 feet wide, located in Section 19, Township 9 South, Range 42 East of the Boise Meridian and further described as follows:

Beginning at the Southeast corner of said Section 19, from which the Northeast corner of said section bears North 00°08'08" East
thence North 00°08'08" East, 1344.17 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said section;
thence South 89°41'58" West 1178.86 feet along the South line of said Northeast quarter of the Southeast quarter to a point on centerline of said Bailey Creek Road at Station 490+18.72, the TRUE POINT OF BEGINNING of this right of way;
thence South 89°41'58" West 41.99 feet to a 5/8 inch rebar with cap set on the new West right of way line of said Bailey Creek Road, said point is on a 3859.71 foot non-radius curve concave to the Northeast whose center point bears North 72°10'48" East;
thence Northeasterly along said curve through a central angle of 05°38'32", a distance of 380.09 feet to a 5/8 inch rebar with cap set on the West line of said Northeast quarter of the Southeast quarter, (chord=North 14°59'56" West 379.94 feet);
thence North 00°08'55" East 563.64 feet to a 5/8 inch rebar with cap set on the Easterly right of way line of said Bailey Creek Road, said point is on a 3779.71 foot non-radius curve concave to the Northeast, whose center point bears North 86°11'58" East;
thence southeasterly along said curve through a central angle of 14°24'09", a distance of 950.11 feet to a 5/8 inch rebar with cap set on the South line of said Northeast quarter of the Southeast quarter, (chord=South 11°00'07" East 947.61 feet);
thence South 89°41'58" West 41.99 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all that property conveyed to the Oregon Short Line Railway described in Quitclaim Deed recorded March 15, 1883 in Book 9 of Deeds, Page 22.



LAND SURVEYORS		CONSULTING CIVIL ENGINEERS		AN OVERALL VIEW OF PROJECT FOR	
A.A. HUDSON		FMC		LOCATED IN TOWNSHIP 7 & 8 SOUTH, RANGE 44 EAST, BOISE MERIDIAN	
AND				CARIBOU COUNTY, IDAHO	
ASSOCIATES		REVISIONS		SURVEYED BY: A.H. BJA	
34 WEST ONIDA		2		OFFICE WORK BY: MS	
PRESTON, IDAHO 83263		1		FIELD BOOK NO. 1	
(208)852-1155		PROJECT NO. 99254		FEB. 07, 2000	
180 EAST 2ND SOUTH		DRAWING: 99254\BIG-MF.DWG		VIEW: (PS)	
SODA SPRINGS, IDAHO					
83278 547 - 4141					

FOUND MARKED STONE
AND IRON ROD
CPFR # 103072

17 16 NOT SEARCHED FOR
20 21

PROPOSED
WETLAND
MITIGATION
BOUNDARY

257.3 AC. TOTAL

BASIS OF BEARINGS
NORTH 53° 56' 17" E

NOT FOUND

202.2 ACRES
DELINEATED
WETLAND

FOUND BRASS CAP
AT FENCE CORNER
CPFR # 103078

19 20
30 29

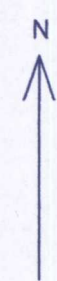
N 89° 17' 59" E 2668.38 Ft.

FOUND STONE MOUND
CPFR # 131665

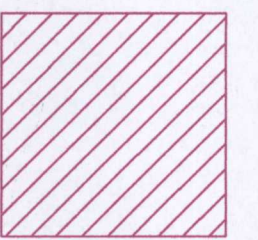
20 21 FOUND RR POST
29 28 CPFR # 148445

N 89° 48' 01" E 2619.74 Ft.

BEAR RIVER



LEGEND



DELINEATED WETLAND

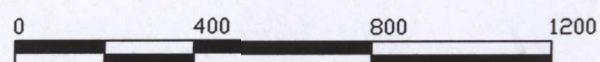


OPEN WATER

T 9 S, R 42 E, B.M.



MAP SCALE



REVISIONS	No	DATE	MADE BY	DESCRIPTION
	1			
	2			
	3			
	4			
	5			
DATE		DRAWN BY	CHECKED	APPROVED
08/05/2003		J.B.W.	J.B.W.	M.A.K.

ASTARIS DRY VALLEY MINE
ENGINEERING DEPARTMENT

OFFICE
DRY VALLEY

DEPARTMENT
MINING

L.C. PROPERTY
WETLAND MITIGATION SITE

MAP INDEX NUMBER	SCALE	DRAWING NUMBER
RUN122LCP	1"=400.Ft	LCP6.DEF