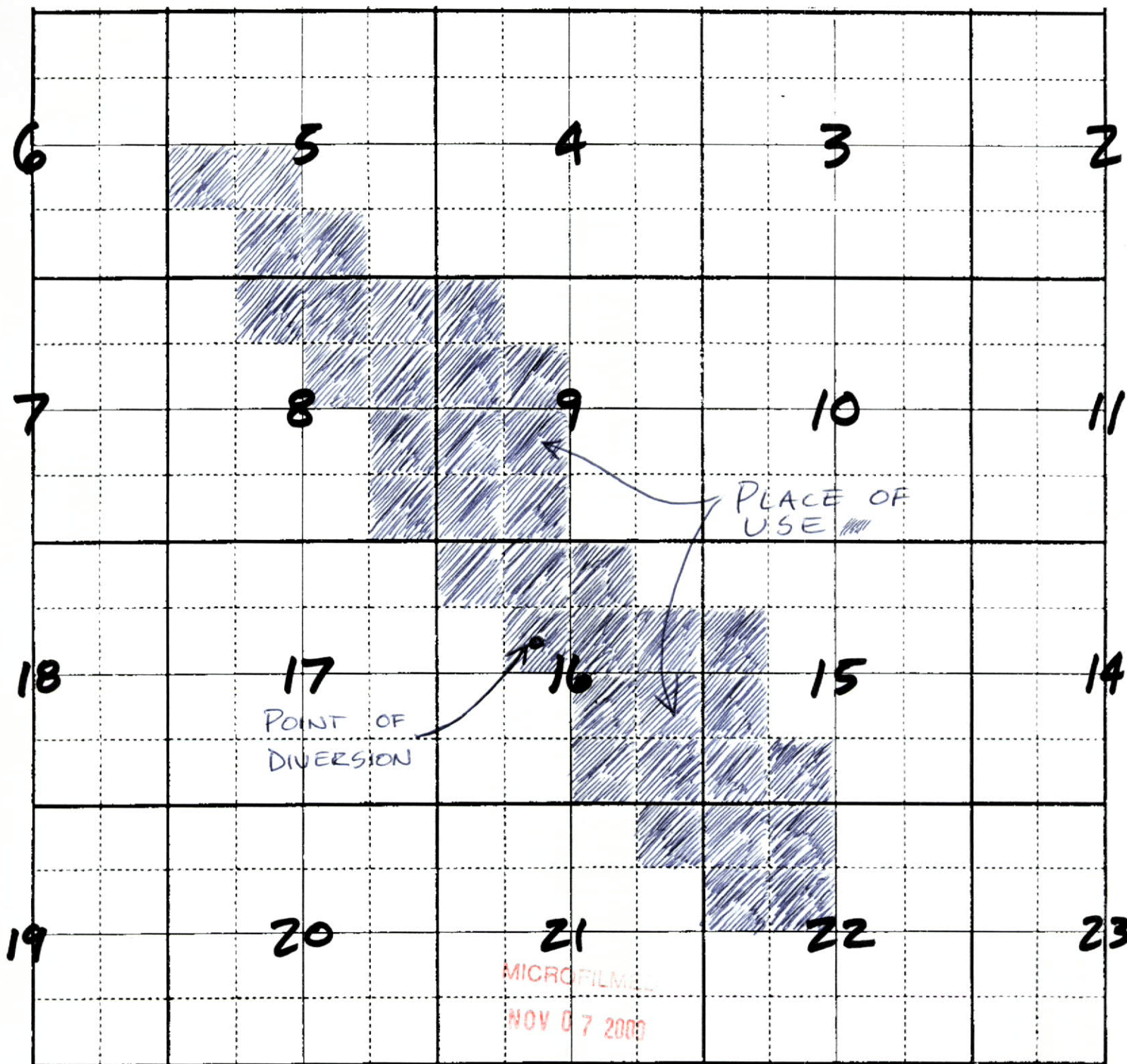


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

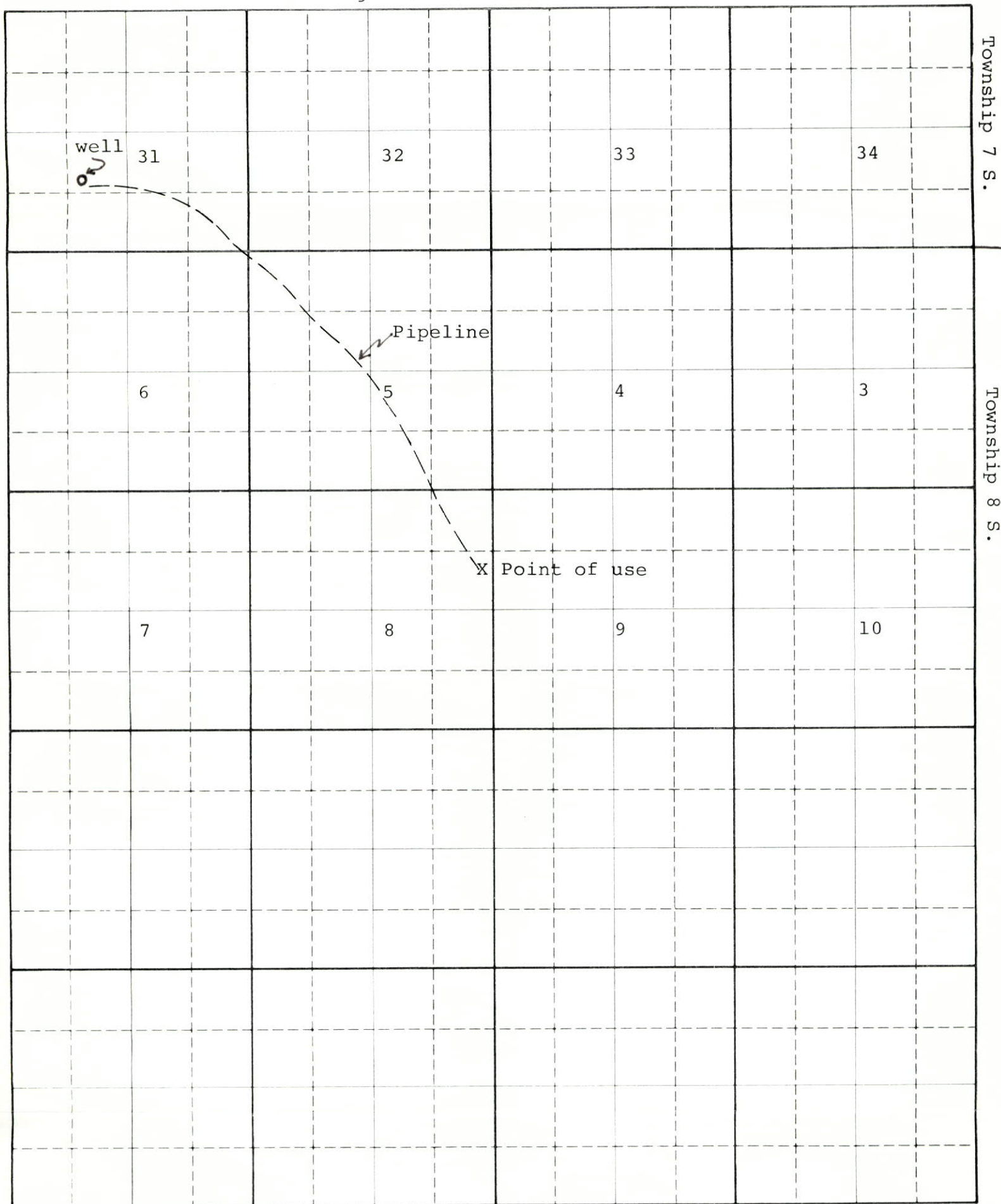
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



T8S, R44E, B.M.

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

Range 44 E.



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.

ATTEST:

Assistant Secretary

W. A. McMinn
(Applicant)

W. A. McMinn
Vice President

RECEIVED

JAN 5 1976

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that FMC Corporation, Pocatello, Idaho has on 12-18-75 submitted Application No. 27-7057 for a permit to appropriate 2.00 cubic feet per second of water from a ground-water source by means of well, pump and pipeline within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 44E, B.M. Caribou County; to be used from Jan. 1 to Dec. 31 for mining and processing purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 8S, R. 44E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 12, 1976.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on December 25, 1975 and January 1, 1976.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Ora Lansberry

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

25th day of
December, 19 75

The date of the last publication

being the 1st day of
January, 19 76

Ora Lansberry

Subscribed and sworn to be-

fore me this 2nd day

of January, 19 76

Elaine S. Johnson

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of November

19 78.

Affidavit of Publication

County of Caribou ss.
State of Idaho
Mark Steele

being first duly sworn on his oath, states:

That he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

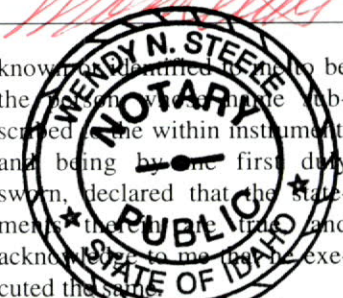
That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for two successive weekly issues thereof, the date of the first publication being the

17th day of August, 2000

The date of the last publication being the 24th day of August, 2000

On this 25 day of August in the year of 2000, before me, a Notary Public, personally appeared

known to me to be the person who made the foregoing statements, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me and executed the same.



RECEIVED

SEP 05 2000

Department of Water Resources
Eastern Region

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 2006

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5820

Notice is hereby given that Astaris Production LLC, P.O. Box 839, Soda Springs, ID 83276 has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 27-07057

Source: Groundwater

Amount: 2.0 cfs

Priority: 12/18/1975

Point(s) of Diversion: NESW
SEC 31 T07S R44E, CARIBOU
COUNTY

The water is used for mining within SEC 31 T07S R44E and SEC 5, 6 and 8 T08S R44E.

TO BE CHANGED AS FOL- LOWS:

The applicant intends to change the point of diversion to the SENW SEC 16 and the place of use to portions of SEC 5, 8, 9, 15, 16, 21 and 22 T08S R44E. These changes reflect the general move of the mining activity.

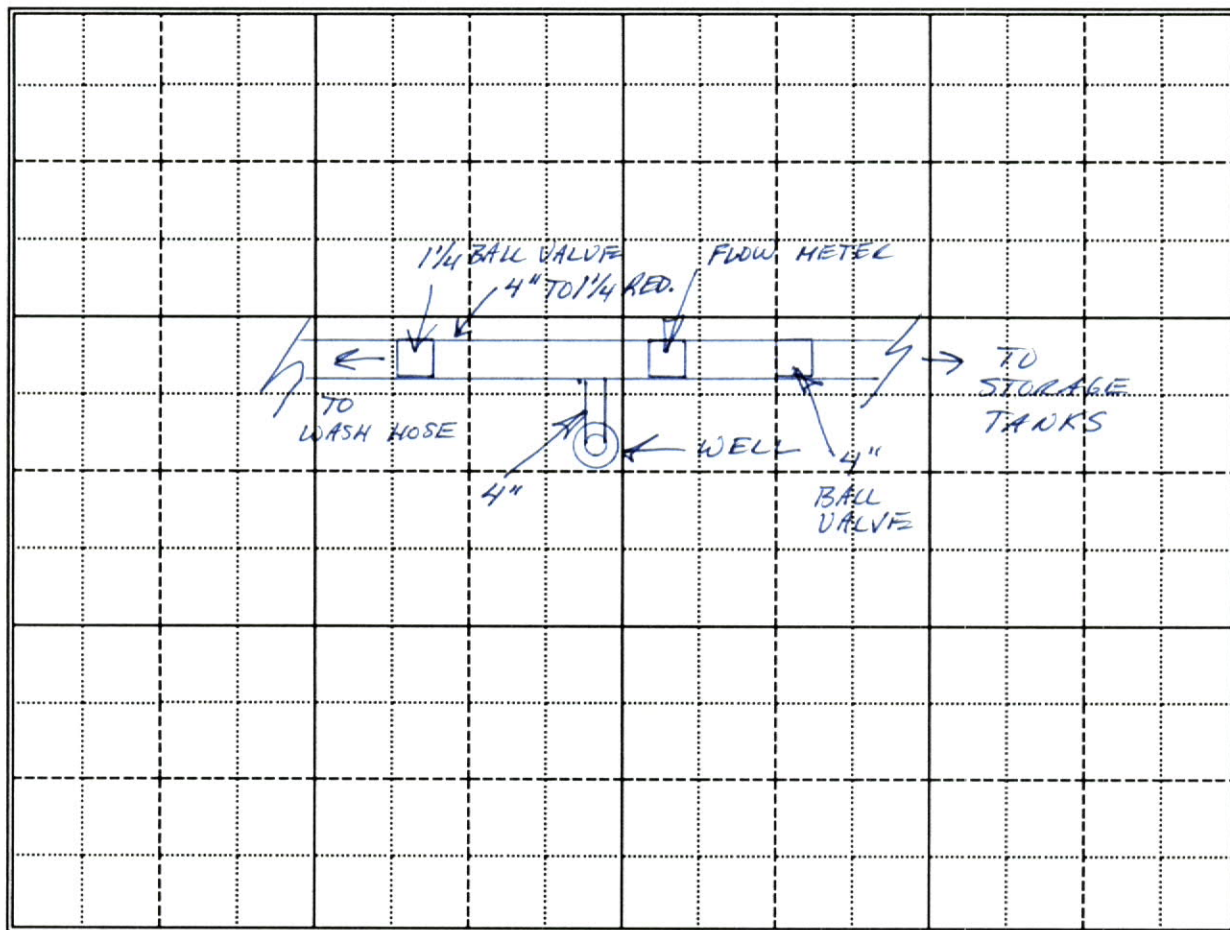
Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before September 5, 2000. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER
Director

Published in the Caribou County Sun on Aug. 17 and 24, 2000.

MICROFILMED
NOV 07 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE PHOTOS + ATTACHED MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#57		20	SUBMERSIBLE		4"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: *N/A*

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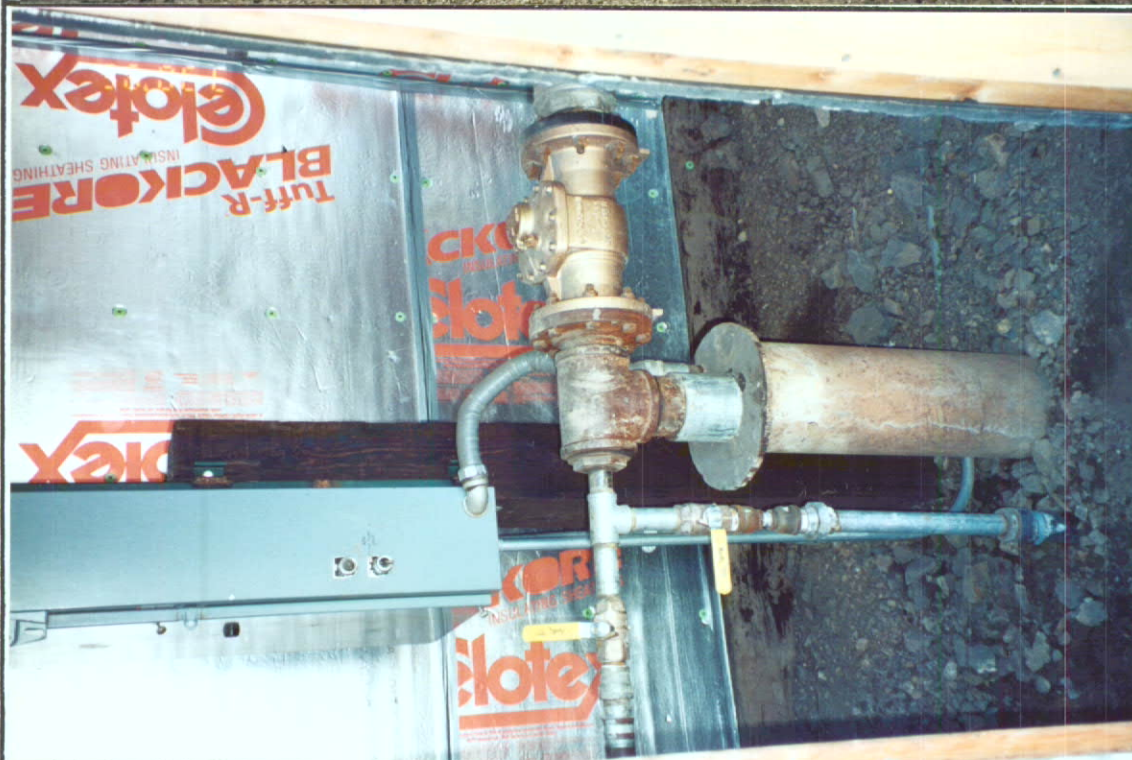
NOV 24 1998

FMC CORPORATION
NE SW, SEC 31, T 7S, R 44E.

1 of 2



WATER
STORAGE
TANK AND
WELL HOUSE
POINT OF
DIVERSION



WELL +
FLOW METER

MICROFILMED
NOV 24 1998

WATER USED TO CUT MINING PROCESS/ROAD DUST

27- 7057

47°30"

Lower Valley

T7S, R44E

Lot 1

Dry Lot 2

POD Prospects

POND

Lot 3

Lot 4

Creek

T. 7 S.
T. 8 S.

400 000
FEET

AA-98

↑
N

42°45'

47°32'00"N

SCHMID
RIDGE

Creek

Maybe

OFFICE

27-07057

RECORDED
JUN 24 1896

Stewart

Caldwell

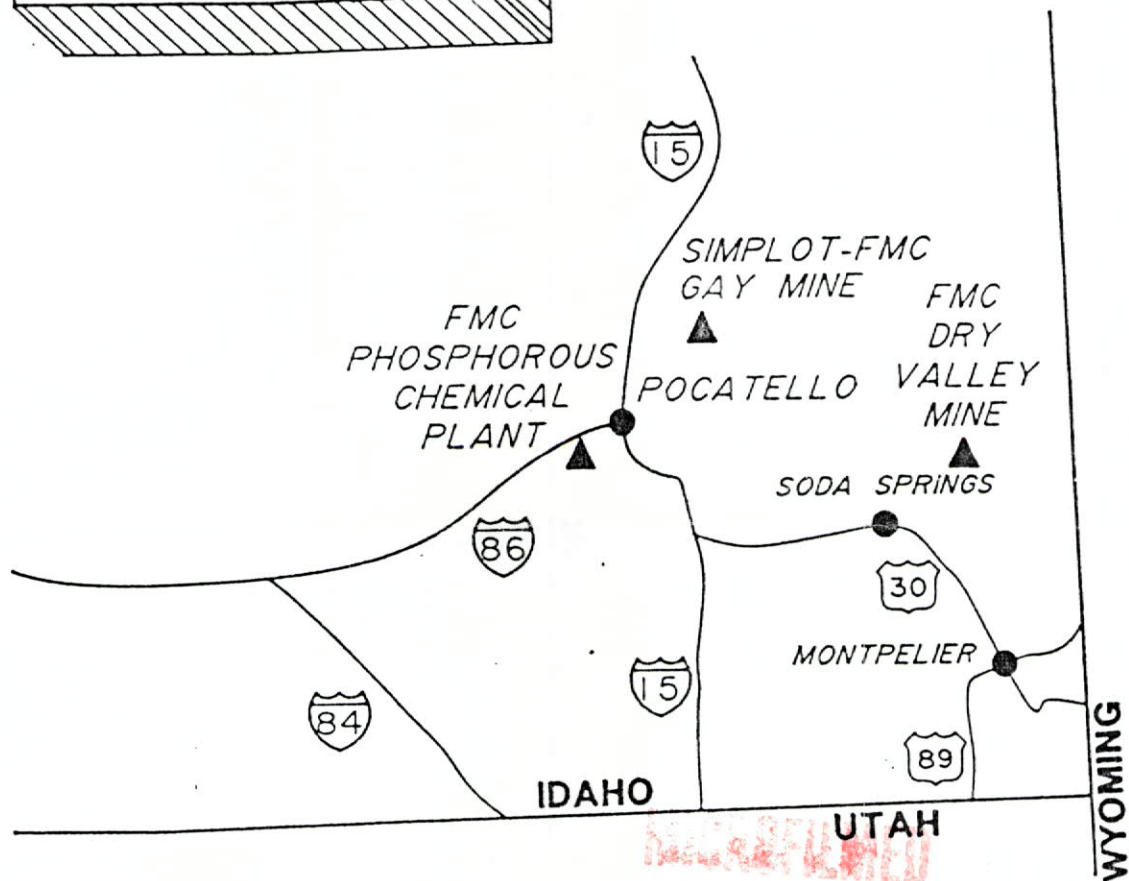
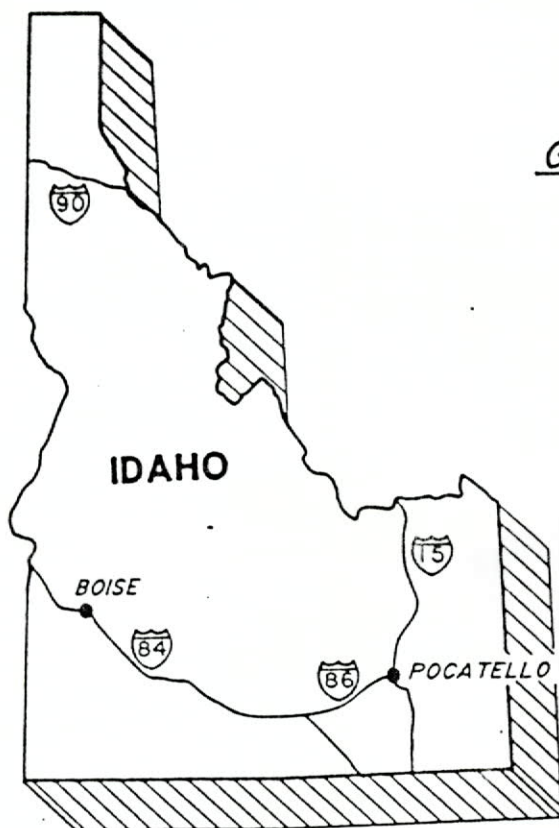
Canyon

Spring

Dry

GENERAL LOCATION MAP

FIGURE 1

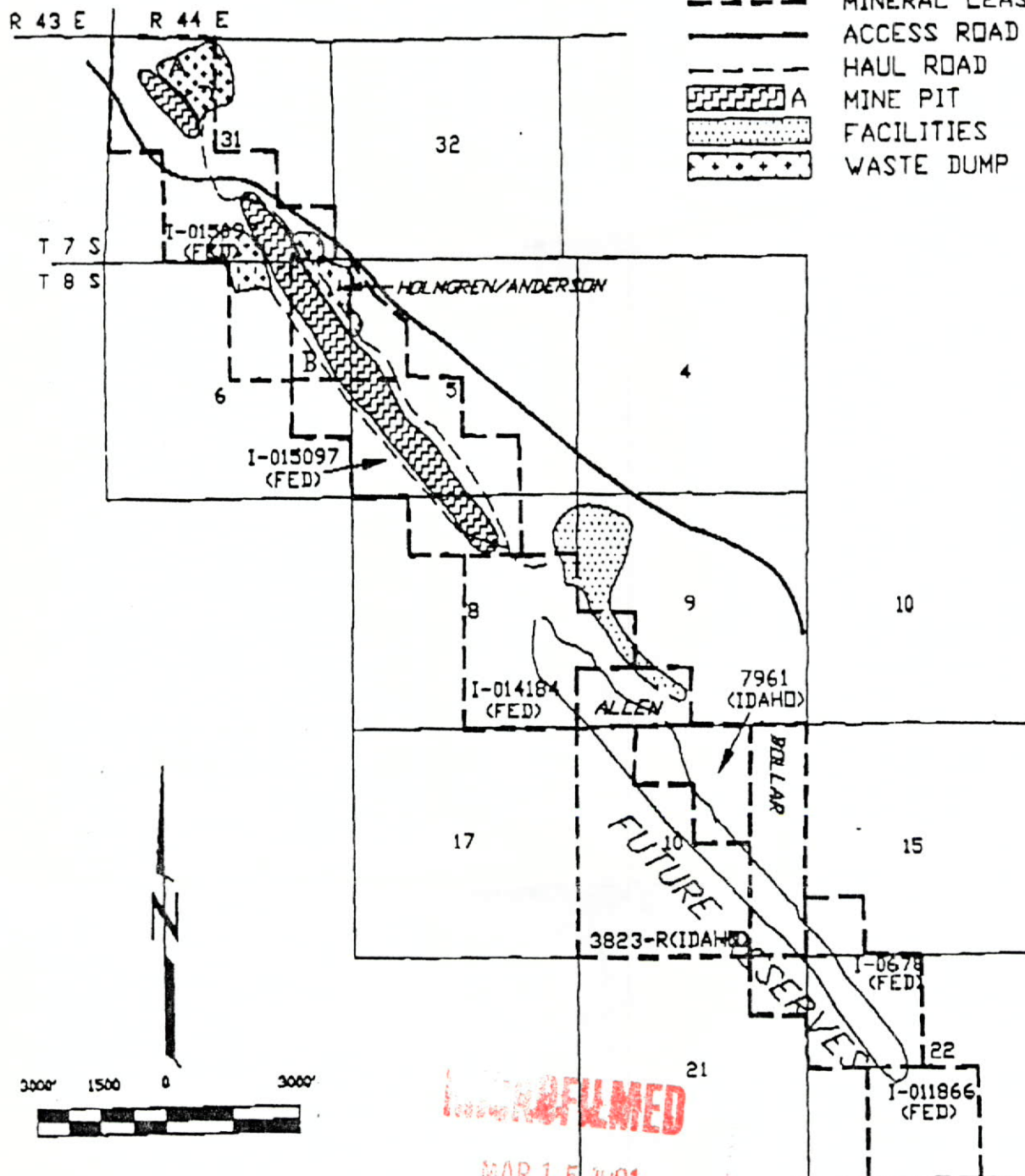


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MAR 15 1991

LEGEND

- MINERAL LEASE
- ACCESS ROAD
- HAUL ROAD
- ▨ MINE PIT
- ▤ FACILITIES
- ▥ WASTE DUMP



DRY VALLEY LOCATION MAP
FIGURE 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5820
WATER RIGHT NO. 27-07057

This is to certify that: **ASTARIS PRODUCTION LLC**
PO BOX 839
SODA SPRINGS ID 83276

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MINING	01/01 to 12/31	2.00 CFS	33.1 AF

SOURCE

GROUNDWATER

Priority: 12/18/1975

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 16, Township 08S, Range 44E
CARIBOU County

PLACE OF USE: MINING

TWN RGE SEC

08S 44E	5	NESW	NWSW	SESW
		SWSE		
	8	NENE	NWNE	SWNE
		SENE	NENW	NESE
		SESE		
	9	NWNW	SWNW	SESW
		NESW	NWSW	SWSW
		SESW		
	15	SWNW	NWSW	SWSW
		SESW		
	16	NWNE	SWNE	SENE
		NENW	NWNW	SESW
		NESE	NWSE	
		SESE		
	21	NENE		
	22	NENW	NWNW	SWSW
		SESW		

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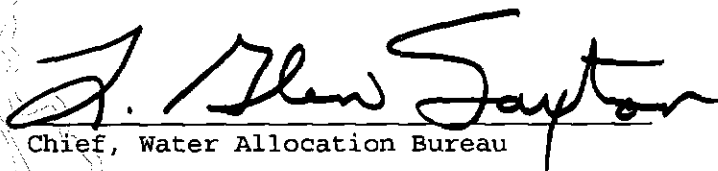
NOV 07 2000

TRANSFER NO. 5820
WATER RIGHT NO. 27-07057

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The well previously used under Right 27-07057 shall be abandoned in a manner which complies with Department well abandonment rules.
5. Mining use is for ore processing and dust abatement for the haul road.

Dated this 25th day of October, 2000.


Chief, Water Allocation Bureau

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AUG 08 2000

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern RegionTransfer No. 5820

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant ASTARIS PRODUCTION LLC (FORMERLY FMC) Phone 208-547-2700
Post Office address P.O. BOX 839 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 DUE TO PROGRESSION OF MINING SOUTHWARD, EXISTING WATER WELL, (RIGHT #27-07057) IS NO LONGER PHYSICALLY OR FEASIBLY USEABLE. MINING OPERATION REQUIRES A WATER WELL IN VICINITY OF ACTIVE OPERATION.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>27-07057</u>	<u>DEC. 18, 1975</u>	<u>2.0 CFS</u>	<u>MINING</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.0 cubic feet per second and/or 33.1 acre-feet per annum.

3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	16	8S	44E	CARIBOU	

5. 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	
8S	44E	5									X	X		X			X		
8S	44E	8	X	X	X	X	X								X			X	
8S	44E	9						X	X	X	X	X	X	X					
8S	44E	16			X	X	X	X		X					X	X	X	X	
8S	44E	15							X			X	X	X					
8S	44E	21	X																
8S	44E	22					X	X	X	X									

(T5820)

PART 1

6. General Information:

a. Description of diversion system 8" WATER WELL, 6" - 20 HP PUMP, 4" DISCHARGE LINE.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ 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:

NO MINING ACTIVITY IS OR WILL BE OCCURRING IN THE VICINITY OF THE EXISTING WELL.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19____.

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NOV 07 2000

PART 2

TRANS NO. 5820

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 27-07057

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MINING	01/01 to 12/31	2.00 CFS	33.1 AF

SOURCE

GROUNDWATER

Priority: 12/18/1975

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 31, Township 07S, Range 44E
CARIBOU CountyPLACE OF USE:

MINING

				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	44E	31	:									M	M			M				M								M			
08S	44E	5	:											M				M		M	M	M									
08S	44E	6	:	M		M																									
08S	44E	8	:	M		M																									

CONDITIONS/REMARKS:

1. Mining use is for ore processing and dust abatement for the haul road.

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

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:MICROFILMED
NOV 07 2000

Page 4 of 6

TRANS NO.

5820

Water Right No. 27-07057

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:

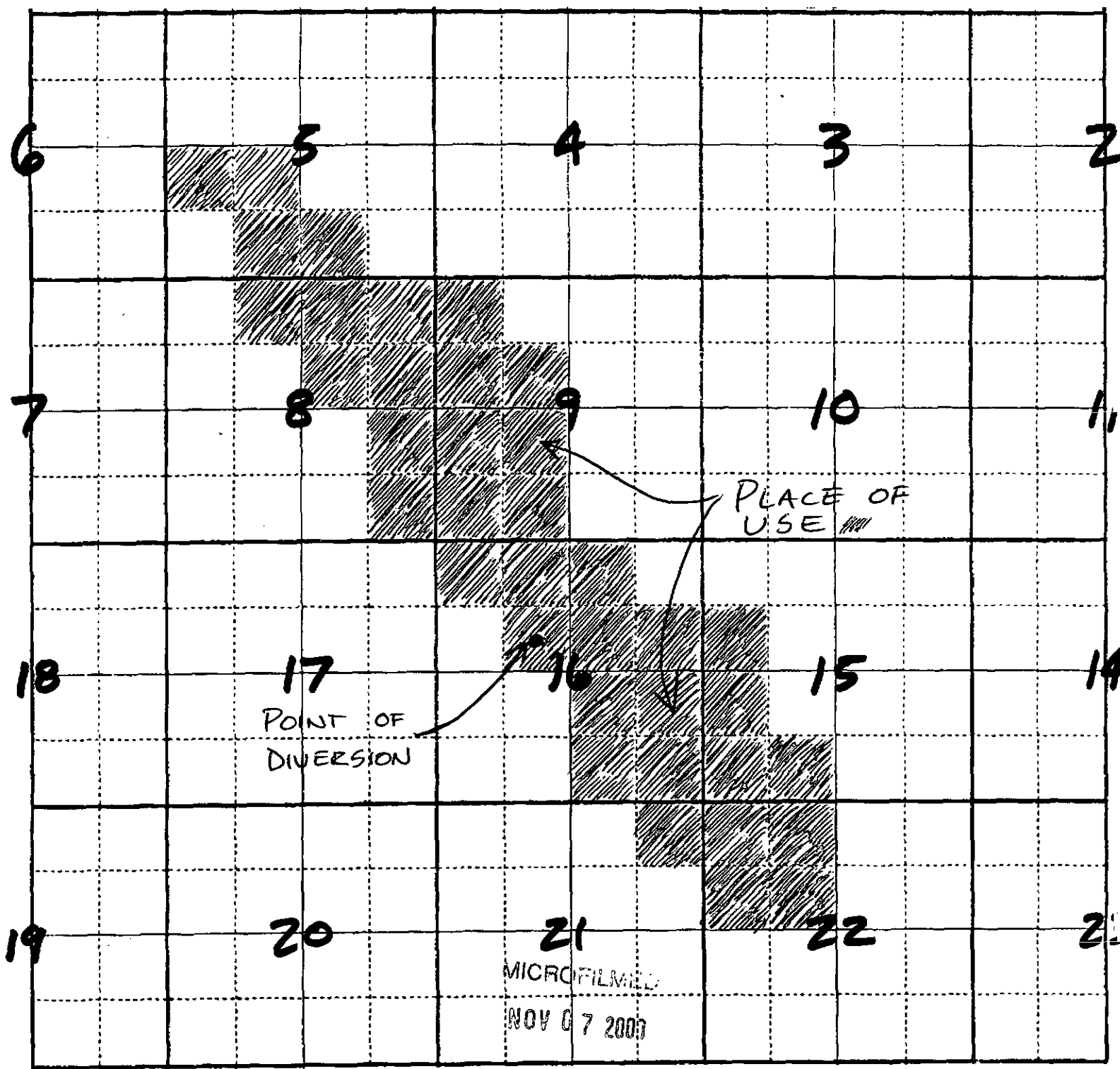
☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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NOV 07 2000

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.



TBS, R 44 E, B.M.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

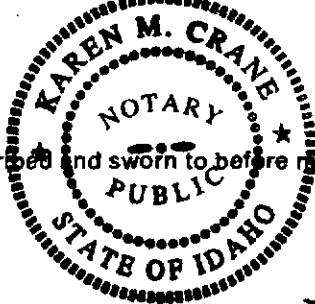
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

Day R. Reed (Dry Valley mine manager)
28th day of July, 2000
 (Signature of Applicant)

Karen M. Crane
 (Notary Public)

My commission expires May, 2005

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 0 attachmentsReceived by HWT Date 8-9-00

Protest filed by _____

Prelim. check by _____ Fee \$290.00Receipted by HWT #E026050 Date 8-9-00Published in Caribou County, San

Copies of protest forwarded by _____

Pub. dates Aug 16 & 23, 2000.

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by Rae

Copy of transfer sent to lien holder _____

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NOV 07 2000

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DL 5/2000

APR 21 2000

Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 27-04063, 27-07057, 27-07058, undivided 23% interest in 27-02050 and 27-02053, undivided 50% interest in 27-02162, and 29-02255
 Adjudication Claim No(s): A27-04063, A27-07057, A27-07058, A27-02050, A27-02053, A27-02162, A29-02255
2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 diversion 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 FMC Corporation
1735 Market St., Philadelphia, PA 19103

4. New Owner/Claimant(s) Astaris Production LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 10300 Olive Blvd.
 City, State and ZIP Code St. Louis, MO 63166
 New Telephone Number (208) 547-2700 ext. 17 Gary Resh
4-12-00

RECEIVED

MAY 8 - 2000

Department of Water Resources

5. Date you acquired the property 4-12-00
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. See attached profiles.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) ASTARIS PRODUCTION LLC, a Delaware limited liability company
 or Claimant(s) By: [Signature]

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

NOV 07 2000

RECEIVED 161183

APR 21 2000

Department of Water Resources
Eastern Region

THIS INSTRUMENT FILED FOR RECORD
BY ALLIANCE TITLE & ESCROW CORP. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, FMC Corporation, a Delaware corporation, the Grantor, does hereby grant, bargain, sell and convey unto Astaris Production LLC, a Delaware limited liability company, the Grantee, whose address is 10300 Olive Boulevard, St. Louis, MO 63166, the following described real property, to-wit:

The property described in Exhibit 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 mineral and oil and gas rights thereon and thereunder,

TOGETHER WITH all water rights appurtenant thereto, including, without limitation, all of water right numbers 27-04063, 27-07057 and 27-07058, an undivided 23% interest in water right numbers 27-02050 and 27-02053, and an undivided 50% interest in water right number 27-02162,

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.

WARRANTY DEED - 1

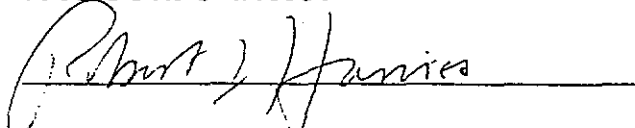
MICROFILMED

NOV 07 2000

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 claiming by, through or under Grantor but none other, excepting, however, the matters above set forth.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand effective as of the 12th day of April, 2000.

FMC CORPORATION



By: Robert I. Harries
Title: Vice President

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APR 21 2000

Department of Water Resources
Eastern Region

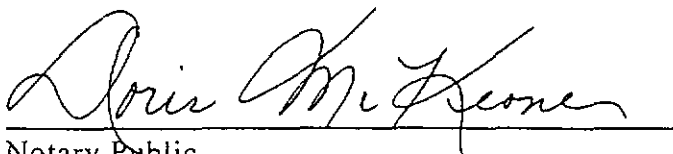
STATE OF PENNSYLVANIA)

: ss.

County of Philadelphia)

On this 11th day of April, 2000 before me, Doris McKeone, a notary public in and for said State, personally appeared Robert I. Harries, known or identified to me to be the Vice President of FMC CORPORATION, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

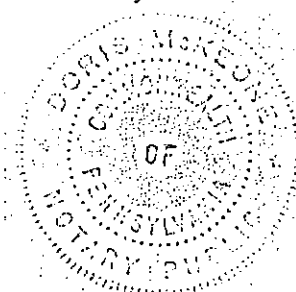


Notary Public

Residing at: _____

My Commission Expires: _____

2610623_4.DOC



NOTARIAL SEAL
DORIS McKEONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires Sept. 21, 2002

WARRANTY DEED - 2

MICROFILMED

NOV 07 2000

EXHIBIT A

RECEIVED RECEIVED

MAY 8 - 2000

APR 21 2000

PARCEL Department of Water Resources Eastern Region

A parcel of land located in Sections 30, 31, & 32, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the Southwest corner of said Section 30 located North 00° 01' 12" East 2638.33 feet from the West quarter corner of said Section 31;
 Thence North 00° 05' 11" West 1320.34 feet to the Northwest corner of Lot 4 of said Section 30;
 Thence South 86° 58' 48" East 2532.39 feet to the Center South 1/16th corner of said Section 30;
 Thence South 86° 58' 50" East 2603.42 feet to the South 1/16th corner on the East line of said Section 30;
 Thence South 00° 03' 49" West 1326.52 feet to the Southeast corner of said Section 30;
 Thence North 87° 34' 46" East 1314.07 feet to the West 1/16th corner on the North line of said Section 32;
 Thence South 01° 43' 48" East 2524.61 feet to the Center West 1/16th corner of said Section 32;
 Thence South 01° 43' 54" East 2523.34 feet to the West 1/16th corner on the South line of said Section 32;
 Thence South 89° 48' 09" West 872.00 feet to a point on the Northeasterly right of way line of the Railroad, said point being North 89° 48' 09" East 446.49 feet from the Southwest corner of said Section 32;
 Thence North 48° 45' 25" West 609.60 feet along said Northeasterly right of way line to a point on the West line of said Section 32;
 Thence North 01° 41' 11" West 845.45 feet to the South 1/16th on the East line of said Section 31;
 Thence North 89° 20' 53" West 1003.22 feet along the South line of the NE1/4 SE1/4 of said Section 31 to a point on said Northeasterly right of way line;
 Following said right of way line the next 4 courses:
 Thence Northwesterly along a spiral curve, (chord bears North 60° 05' 33" West 69.56 feet);
 Thence North 60° 18' 55" West 973.17 feet to a point on a spiral curve;
 Thence Northwesterly along said spiral curve to a point of curve, (chord bears North 61° 19' 10" West 151.29 feet);
 Thence Northwesterly along said curve with a 1457.39 foot radius, through a central angle of 24° 35' 48", a distance of 625.65 feet to a point on the west line of the NW1/4 SE1/4 of said Section 31, (chord bears North 75° 36' 49" West 620.85 feet);
 Thence North 00° 59' 36" West 3131.46 feet to the North quarter corner of said Section 31;
 Thence North 86° 54' 34" West 2541.73 feet to True Point of Beginning.
 Containing 516.8 acres.

STATE OF IDAHO } ss 161189
 County of Caribou }

I hereby certify that this instrument was filed at the request of Alliance Trust
 at 11:05 o'clock A m this 13 day of April, 2000 in my office and duly recorded official Records

Recorder, Edie Izatt

Signature Shirley Hunsley

Deputy 2100

MICROFILMED

NOV 07 2000

161189

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

PARCEL 2

A parcel of land located in Section 31, Township 7 South, Range 44 East, Boise Meridian, Caribou County, Idaho and further described as follows:

Beginning at the South quarter corner of said Section 31 located North 89° 28' 06" East 2644.02 feet from the Southwest corner of said Section;
Thence North 00° 59' 36" West 1287.24 feet to the center South 1/16th corner of said Section, the True Point of Beginning;
Thence North 00° 59' 36" West 604.89 feet to a point on the Southwesterly right of way line of the Railroad, said point being on a 1337.39 foot radius non-tangent curve concave to the Southwest whose center bears South 02° 21' 54" West;
Thence Southeasterly along said curve through a central angle of 24° 19' 11", a distance of 567.67 feet to a point of spiral curve, (chord bears South 75° 28' 31" East 563.42 feet);
Thence Southeasterly along said spiral curve, (chord bears South 61° 17' 53" East 145.01 feet);
Thence South 60° 18' 55" East 827.02 feet to a point on the South line of the N1/2 SE1/4;
Thence North 89° 20' 53" West 1380.69 feet to the True Point of Beginning.
Containing approximately 11.5 acres.

MICROFILMED

NOV 07 2000

161189

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PARCEL 3

APR 21 2000

Department of Water Resources
Eastern Region

A parcel of Land located in Sections 5, 6, 8, 9, 16 and 17 in Township 8 South, Range 44 East and Section 32, Township 7 South, Range 44 East, Caribou County, Idaho described as follows:

Beginning at the Northwest corner of said Section 6 located North 00° 03' 19" West 2643.23 feet from the West quarter corner of said Section 6;
Thence North 89° 28' 06" East 1647.15 feet to the Northwest corner of Lot 3 of said Section 6, the True Point of Beginning;
Thence North 89° 28' 06" East 996.87 feet to the South quarter corner of Section 31, Township 7 South, Range 44 East;
Thence North 89° 48' 49" East 2644.90 feet to the Southeast corner of said Section 31;
Thence North 01° 41' 11" West 239.70 feet along the West line of said Section 32 to a point on the Westerly right of way line of a Railroad;
Thence South 48° 45' 25" East 362.05 feet along said Westerly right of way line to the Northerly boundary line of said Section 6;
Thence South 48° 45' 25" East 461.27 feet along said Westerly right of way line;
Thence South 43° 35' 16" East 1478.23 feet to the Southeast corner of Lot 4 of said Section 5;
Thence South 00° 26' 12" West 1320.39 feet to the Center West 1/16th corner of said Section 5;
Thence South 44° 54' 58" East 1859.59 feet to the Center South 1/16th corner of said Section 5;
Thence South 26° 18' 00" East 1470.33 feet to the West East 1/64th corner on the South line of said Section 5;
Thence North 89° 44' 14" East 1980.93 feet to the Northeast corner of said Section 8;
Thence North 89° 50' 43" East 201.50 feet to a 5/8" 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" rebar with cap;
Thence North 89° 50' 43" East 2290.00 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" rebar with cap;
Thence South 26° 20' 30" East 860.26 feet to a 5/8" rebar with cap;
Thence South 89° 51' 30" West 95.81 feet to a 5/8" rebar with cap;
Thence South 00° 02' 14" East 550.79 feet to a 5/8" rebar with cap;
Thence North 89° 51' 30" East 55.00 feet to a 5/8" rebar with cap set a on 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" rebar with cap set on a 1029.28 foot radius non-tangent curve whose Center bears South 84° 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" rebar with cap 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;

NOV 07 2000

Thence South 00° 02' 02" East 2640.74 feet to the Southeast corner of said Section 16;
Thence South 89° 47' 03" 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 South 89° 48' 23" West 1320.91 feet to the Northwest 1/16th corner of said Section 8;
Thence North 26° 38' 53" West 1475.78 feet to the West West 1/64th corner on the South line of said Section 5;
Thence South 89° 49' 11" West 660.16 feet to the Southwest corner of said Section 5;
Thence North 89° 51' 18" West 2640.76 feet to the South quarter corner of said Section 6;
Thence North 00° 22' 23" East 1322.93 feet to the Center South 1/16th corner of said Section 6;
Thence North 89° 48' 25" West 1322.04 feet to the Southeast corner of Lot 6 of said Section 6;
Thence North 00° 17' 48" East 1323.72 feet to the Southeast corner of Lot 5 of said Section 6;
Thence North 00° 26' 59" East 1319.07 feet to the Southwest corner of Lot 3 of said Section 6;
Thence North 00° 26' 59" East 1345.97 feet to the True Point of Beginning.
Containing 1,634.6 acres.

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

MICROFILMED

NOV 07 2000

161189

PARCEL 4

Township 7 South, Range 43 East, Boise Meridian, Caribou County, Idaho
Section 19: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$

RECEIVED

MAY 8 - 2000

Department of Water Resources

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

MICROFILMED
NOV 07 2000

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 27-07057

Priority: December 18, 1975

Maximum Diversion Rate:

2.00 CFS

Maximum Diversion Volume:

33.1 AF

This is to certify, that FMC CORP
PO BOX 4111

POCATELLO ID 83201

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 18, 1975; and has submitted Proof of Beneficial Use on September 3, 1993. An examination indicates that the works have a diversion capacity of 4.110 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	01/01 to 12/31	2.00 CFS	33.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 31, Township 07S, Range 44E
CARIBOU County

PLACE OF USE: MINING

TWN RGE SEC

07S 44E 31

NENW

NWNW

SENW

NESW

SESW

SWSE

08S 44E 5

SENW

NESW

NWSW

SWSW

SESW

6

NENE

NWNE

8

NENE

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Mining use is for ore processing and dust abatement for the haul road.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this 13th day of NOVEMBER, 1998.

Acting for

KARL J. DREHER, Director

MICROFILMED

NOV 24 1998

RECEIVED

SEP 25 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07057

Date of Priority: December 18, 1975

Maximum Diversion Rate:

2.00 CFS

Maximum Diversion Volume:

33.1 AF

Comes now

FMC CORP

PO BOX 4111

POCATELLO ID 83201

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 27-07057, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MINING	01/01 to 12/31	2.00 CFS	33.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 31, Township 07S, Range 44E
CARIBOU County

PLACE OF USE: MINING

TWN RGE SEC

07S 44E 31

NENW

NWNW

SENW

NESW

SESW

SWSE

08S 44E 5

SENW

NESW

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NENE

NWNE

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at SODA SPRINGS, ID., this 21 day of September, 1998.

Gay R. [Signature]
(Signature)

NOV 24 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07057

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee \$50.00 Received by BS # C043862 Date 11.9.98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 27-07057 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Mining use is for ore processing and dust abatement of haul road.

Witness my hand this 13TH day of NOVEMBER, 1998.

Acting for KARL J. DREHER, Director

MICROFILMED
NOV 24 1998

11/81

RECEIVED

RECEIVED

SEP 10 1993

OFFICE USE ONLY

Amt. of Fee \$ 125.00Date 9-7-93Receipt No. E019107Receipt by HLJ

SEP 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Pocatello: 208-236-8636 or

1. Permit No. 27-7057 Telephone No. Soda Springs: 208-547-2700
2. Name(s) of Permit Holder(s): FMC CORPORATION
3. Mailing Address: P.O. Box 4111, Pocatello, Idaho 83202
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: FMC CORPORATION Date Drilled: August 1975

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Mining and Processing

6. Total rate and/or volume for which proof is submitted 1.1 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? X Yes _____ No Installed? X Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? X Yes _____ No

8. Fee Enclosed: \$ 125 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

A. R. Conroy 208-547-2700

Name Telephone No.

P.O. Box 668, 2275 Dry Valley Road, Soda Springs, Idaho 83276

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 18 1993

8/10/93

Date

Signature (and title, if on behalf of a company or organization)

A.R. Conroy - Mine Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Dr 2
For Office Use Only
\$15 FEE Received by HWS
Date 11-26-90
Receipt # E015480

NOV 23 1990

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Eastern District Office

to provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 27-7057

Name(s) of Permit Holder: FMC Corporation

Post Office Address: P. O. Box 4111, Pocatello, Idaho 83202

Telephone No. (208) 232-8200

Date Proof is Due: 1-1-91

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

From 1988 through August 1990 considerable work has been completed towards the development
of the permit holder's mine and water right, including drilling, casing, and screening a
test well for this permit, and drilling monitoring wells to check the test well draw down.

Costing \$ 2,612,200.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permit holders mine and reclamation plan must be approved by the BLM and the Idaho
Department of Lands before the mining can begin. (See attached Bureau of Land Management
Scoping Statement)

FMC CORPORATION

Permit holder(s) request an extension to January 1, 19 94.
(1 yr. minimum)

x R. L. Mills
R.L. Mills, Mgr., Energy Dept.
*IF OTHER THAN PERMIT HOLDER,

FEE: \$15.00

POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1994.

MAR 15 1991

Signed this 28th day of February, 19 91.

J. Glen Saylor
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only	
\$15 FEE Received	<u>19</u>
Date	<u>11-26-85</u>
Receipt #	<u>37320</u>

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use on a water right permit

FMC Corporation of P.O. Box 4111, Pocatello, ID 83202
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Water of the

State of Idaho No. 27-7057

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NOV 22 1985

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

January 1, 19 86

Department of Water Resources

That he has heretofore performed the following work described under said permit: None

(This must be filled out! If no work has been completed put none.)

Costing \$ Zero

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

Permit is granted for use in mining and processing of phosphate ore on Federal
and private mining leases held by FMC. Federal approval of our proposed mining
and reclamation plan is still pending. Mining cannot begin until this approval is
granted.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to January, 19 91
(1 yr. minimum,
5 yrs. maximum)

✓ FH Hubert / JTB 11/18/85
Resident Manager (Signature)* FMC Corporation

*IF OTHER THAN HOLDER, Power of Attorney must be supplied

FEE: \$15.00

MICROFILMED

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to January 1, 1991.

Signed this 6th day of March, 19 86

J. Glen Saxton
Chief, Operations Bureau

AUG 28 1980

JUL 14 1980

Identification No. 27-7057

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

JUL 9 1980

Department of Water Resources
Eastern District Office

FMC Corporation of P.O. Box 4111, Pocatello, ID 83201
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public
Waters of the State of Idaho No. 27-7057.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before January, 19 81.

That he has heretofore performed the following work described under said permit: None

Costing \$ Zero

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Permit is granted for use in the mining and processing of phosphate ore
on Federal and private mining leases held by FMC. Federal approval of our proposed mining
and reclamation plan is still pending. Mining cannot begin until this approval is granted.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to January, 19 86.

J. H. Herbert
Resident Manager (Signature)*
FMC Corporation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to January 1, 1986.

Signed this 3rd day of September, 19 80.

J. Glen Saxton
Chief, Operations Bureau

* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

received 8/28/80 #16000 sg \$15.00

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 27-7057

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

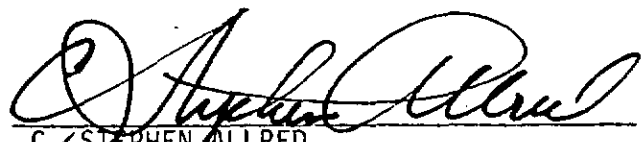
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

WILLIAM L. LINDLEY

Identification No. 27 7057

Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
DEC 8 1975

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

Department of Water Resources
Eastern District Office

1. Name of applicant FMC Corporation Phone: 233-1911
post office address 609 West Maple - Pocatello, Idaho 83201

2. Source of water supply Subterranean which is a tributary of _____

3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 Township 7S
Range 44E 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 2 CFS for mining and processing 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. 2 cubic feet per second and/or

b. 1432 acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Deep well turbine pump and
pipeline to point of use located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T.8S.,
R.44E.

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 8 inches; proposed depth of well is 200 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 60,000.

8. Description of proposed uses:

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

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8 Township 8S.
Range 44E. 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: Mining and processing of
phosphate ore.

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DEC 11 1975

[illegible]

27-7058

9. a. Who owns the property at the point of diversion
Carmelo Garateá, Mariana Basterrechea, and
Alice Majcharizah (undivided 1/3 interest ea)
b. Who owns the land to be irrigated or place of use
Paul Allen

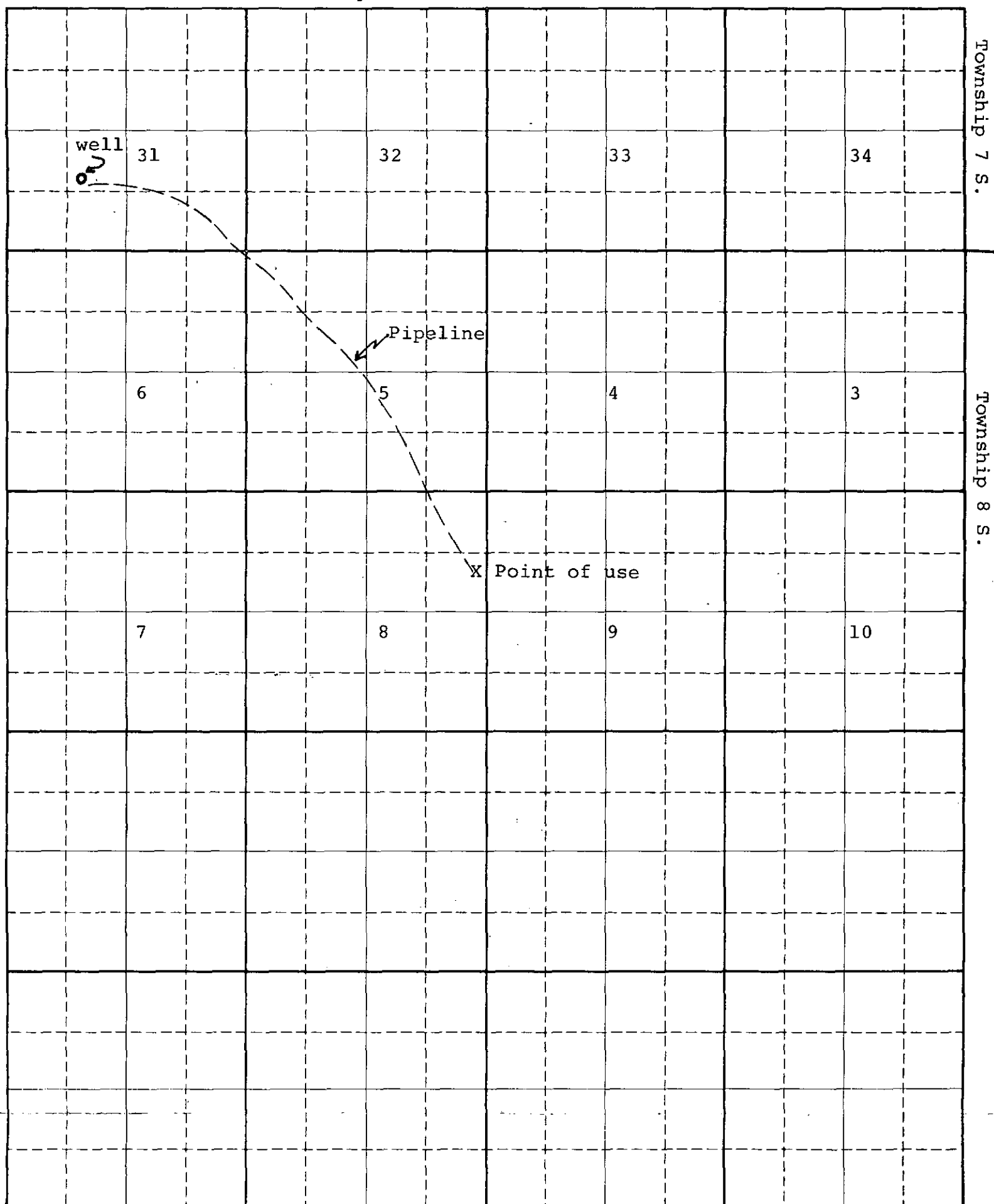
No. 015097 allowing the right to mine and construct mines and plants for the processing of phosphate ores on the land

10. Remarks	Paul Allen which conveys the surface and mineral rights necessary for mining and processing all minerals other
-------------	--

at the point of use.

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

Range 44 E.



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.

ATTEST:

[Signature]
Assistant Secretary

W. A. McMinn
(Applicant)

W. A. McMinn
Vice President

Proposed Priority 12-18-1975

Received by me Date 12-18-75 Time 10:40

Preliminary check by Inf Fee \$ 35.00

Receipted by me Date 12-18-75 # 15537

Publication prepared by me Date 12-19-75

Published in The Caribou County Star

Publication dates Dec. 26, '75 + Jan 2, '76

Publication approved AW Date 1-05-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by sk

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

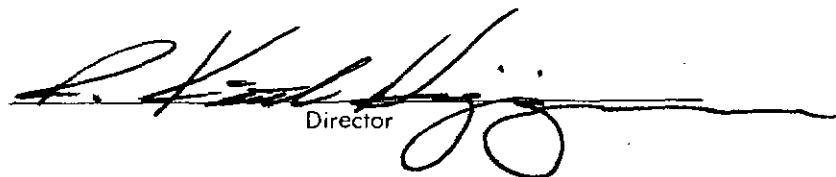
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7057, and said application is hereby APPROVED.

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 January 1, 19 81.
- c. Other: A measuring device of a type approved by the Director 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 22 day of January, 19 76.


Director

RECEIVED

JAN 5 1976

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that FMC Corporation, Pocatello, Idaho has on 12-18-75 submitted Application No. 27-7057 for a permit to appropriate 2.00 cubic feet per second of water from a ground-water source by means of well, pump and pipeline within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 44E, B.M. Caribou County; to be used from Jan. 1 to Dec. 31 for mining and processing purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 8S, R. 44E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 12, 1976.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on December 25, 1975 and January 1, 1976.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Ora Lansberry

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

25th day of
December, 1975

The date of the last publication

being the 1st day of
January, 1976

Ora Lansberry

Subscribed and sworn to be-

fore me this 25th day

of January, 1976

Blaine S. Johnson

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of November

1978

RECEIVED

APR 11 2001

Office of the Secretary
Service Date
April 10, 2001

Department of Water Resources

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
IDAHO POWER COMPANY AND ASTARIS LLC) CASE NO. IPC-E-01-9
FOR APPROVAL OF A LETTER AGREEMENT)
AMENDING THE ELECTRIC SERVICE)
AGREEMENT BETWEEN THE PARTIES.)
ORDER NO. 28695**

On March 16, 2001, Idaho Power Company ("Idaho Power") filed an Application requesting Commission approval of a Letter Agreement amending the Electric Service Agreement ("ESA") between the Company and Astaris LLC (fka FMC). The ESA dated December 30, 1997, requires Idaho Power to supply electric power to Astaris' phosphate manufacturing facility in Pocatello, Idaho. Astaris also purchases electric power for its Pocatello facility under the terms and conditions set forth in the ESA. According to the Letter Agreement "[d]ue to the recent significant increase in electric power prices the parties mutually desire to amend the [ESA][.]"¹ On March 20, 2001, the Commission issued the Notice of Application, Notice of Modified Procedure, Expedited Deadline for Comments, and Order No. 28678. After reviewing the Application and attached Letter Agreement, the Commission preliminarily found that approval of the Application is in the public interest as the amendment to the ESA will allow 50 MW of reduced load to be made available to all Idaho Power system customers. Order No. 28678 at 3. Based on Idaho Power's request the Commission also found that it was necessary to move expeditiously to review the Application and to process this matter by Modified Procedure on less than 21 days' notice.

In addition to these initial findings the Commission decided to accept written comments, filed on or before Noon MST, March 27, 2001, regarding two specific issues in this case: 1) whether the payments made by Idaho Power to Astaris for purchases of energy should be treated as a purchase power expense and then flowed through Idaho Power's PCA mechanism; and 2) how the costs of the derivative should be treated. *Id.*

¹ Astaris has decided to change the base material used in its manufacturing process from elemental phosphorus to purified phosphoric acid. This change will allow it to consume less energy at its Pocatello facility and thus may also be a reason for the parties to amend the ESA.

The Industrial Customers of Idaho Power ("ICIP")², the Idaho Irrigation Pumpers Association and the Commission Staff have filed comments. Idaho Power has also filed reply comments.

THE APPLICATION AND LETTER AGREEMENT

The ESA currently provides that Idaho Power furnish Astaris with two large blocks of power. ESA p.4, ¶ 4.2.1. The first block is for 120,000 kilowatts ("kW") per hour and is a "take or pay" block (i.e., Astaris must pay for the power whether it uses it or not). ESA p.5, at ¶ 4.2.2. The second block is for 130,000 kW per hour to be supplied by Idaho Power at Astaris' request. Order No. 27463 at 4-5; ESA p.5, ¶ 4.2.3.

In the Letter Agreement the parties propose to reduce the first block to "no more than 70,000 kW's of energy per hour." LA at p.2, No. 3. However, Astaris shall continue to pay for 120,000 kW of energy per hour under ¶ 4.2.1 of the ESA. *Id.* The difference – 50,000 kW or 50 MW – will be made available to Idaho Power for twenty-four (24) months beginning April 1, 2001 and ending March 31, 2003. Idaho Power will pay Astaris for the 50 MW at projected market rates, over the entire term of the Letter Agreement, minus a 14.5% discount. The total buy-back amount for the 50 MW of power is approximately \$140 million over the two years, or about 15.9¢ per kWh. *See* LA, Schedule A. Idaho Power also represents that the 15.9¢ proposed buy-back payment is offset by the Company's continued recovery of the energy charge for the entire 120,000 kW per hour in the first block.

The Letter Agreement also provides for the permanent shut down of furnaces No. 1 and No. 4 at the Astaris facility in Pocatello. *Id.* This Agreement also provides that Idaho Power and Astaris will negotiate in good faith to develop a replacement electrical service agreement for the Pocatello facility, which would become effective after the termination of this Agreement. Finally, Idaho Power states that operations under the Letter Agreement's terms are conditioned on favorable approval by the Idaho Public Utilities Commission. *Id.*

Idaho Power also states that it has purchased a derivative as insurance against rate volatility for the period of time that this matter is pending on Modified Procedure because it will not know if the Application is to be authorized as it requests. The cost of the derivative was approximately \$200,000.

² The Industrial Customers of Idaho Power filed a Petition to Intervene into this case.

Idaho Power requests that the Commission issue an Order finding that the payments it makes for buying back power from Astaris be treated as a purchased power expense for purposes of Idaho Power's Power Cost Adjustment ("PCA"); or alternatively, authorize the Company to sell the 50 MW of reduced load "off-system as a non-operating transaction." Application at 2. Idaho Power also requests that the costs of the derivative be recovered through the Company's PCA mechanism.

COMMENTS

Staff Comments

In its comments Staff noted that the prices paid for the Astaris load reduction under the Agreement appear to be lower than reasonably projected forward market prices and comparable on average to prices paid for other resources. Accordingly, Staff recommended that the Agreement be approved as a system resource and that the load reduction be added to the Company's resource portfolio. Staff also recommended that the reasonably incurred costs associated with the Astaris load reduction agreement be passed through the PCA like any other power supply expense.

Staff opposes treatment of the Agreement as a non-system transaction that would accrue benefits solely to an Idaho Power Company affiliate. Consequently, Staff opposes recovery from ratepayers, of derivative costs that protect the affiliate from risk. Staff recommends that the cost recovery of the derivative be denied.

Industrial Customers of Idaho Power

ICIP states that to the extent that this contract is a reasonable and prudent effort on Idaho Power's part to mitigate for the effects of current electric market prices it supports it. ICIP Comments at 2. However, ICIP states that the inclusion of costs of this Agreement in Idaho Power's rates requires the Commission to find that they have been prudently incurred and currently there is insufficient information to make such a finding. *Id.* ICIP also contends that the Letter Agreement is a relatively long-term commitment made in response to an immediate problem, high prices currently in the wholesale power market. Accordingly, ICIP asserts that it is imperative to examine Idaho Power's load resource planning for this time frame to determine or effectively evaluate the need for this power for a two-year time period.³ *Id.* ICIP also contends that in light of the prices

³ ICIP raises several questions in its comments: 1) What alternative to a two year contract is available to Idaho Power?; 2) Has Idaho power updated its 2000 resource plan for this time period and if so what resources are available and at what prices?; and, 3) Has Idaho Power conducted an elasticity of demand study and if so what are the results? Comments at 3. Without answers to these questions ICIP contends that it is not possible to comment on the prudence of the two-year Agreement. *Id.*

paid to customers for load reductions in other Idaho Power Programs offering Astaris almost 87 percent of the market price is too generous and may not be necessary or prudent. Comments at 3-4.

Furthermore, ICIP asserts that it is inequitable for Idaho Power to require other industrial customers to bid against each other for curtailment opportunities without requiring Astaris to also do so. *Id.* at 4. To resolve its concerns, ICIP contends that the Commission should require Idaho Power to include Astaris in the bidding program being considered for other industrial customers of Idaho Power. *Id.* at 4. ICIP believes that only if Astaris is required to bid against other industrial customers for the opportunity to reduce consumption will the true clearing price for industrial curtailment be known, inequities eliminated and only the power necessary will be purchased. *Id.*

ICIP also questions why Idaho Power's Application must be approved within such a short time period. ICIP contends that the Commission should only grant interim approval and allow the parties additional time to examine the issues raised and to further comment. *Id.* at 5. Finally, ICIP contends that the request that ratepayers fund the derivative raises more question than it answers and without these answers it would be speculative to assert that the costs of the derivative are prudently incurred and should properly be funded by all of Idaho Power's ratepayers. *Id.* at 5-6.

The Idaho Irrigation Pumpers Association

The Irrigators state that they are generally supportive of programs that can benefit ratepayers by lowering the Company's purchase power costs. Irrigators Comments at 1. The Irrigators contend that although Idaho Power's Letter Agreement with Astaris attempts to accomplish this, the benefits still appear speculative and uncertain. If the Agreement is approved, the Irrigators contend that it would constitute a guaranteed increase of \$140 million in PCA costs over the next two years. *Id.* at 2. The Irrigators also question whether Idaho Power should pay Astaris 86.5% of the market price for curtailment when in other programs it pays its customers only 50% of the market price for their load reductions. *Id.* The Irrigators also question the prudence of extending this agreement for two years given Astaris' intention to substantially reduce or cease altogether operations at its Pocatello facilities. *Id.* at 4. The Irrigators also state that the sharing of derivative benefits and costs should be shared on equal basis. *Id.* Finally, to further investigate the issues which it has raised the Irrigators request that the Commission take more time to render a decision on this Application. *Id.*

Idaho Power Reply Comments

In response to Staff's Comments Idaho Power states that the regulatory process required them to purchase a derivative. Specifically, Idaho Power states it could not make a decision as to how the load reduction of Astaris was to be treated for regulatory purposes until the Commission issued an order making this determination. Accordingly, Idaho Power contends that the cost of the derivative is a regulatory cost that should be recovered through the Company's PCA mechanism. Comments at 1-2. Idaho Power also vehemently opposes the Commission delaying a decision in this case based on ICIP's arguments. *Id.* at 2.

Astaris LLC., Letter

On March 30, 2001, the Commission received a letter from Conley Ward, attorney for Astaris LLC. Mr. Ward states that Astaris has authorized him to inform the Commission that the Company has agreed to pay Idaho Power Company \$219,000 to reimburse Idaho Power for the costs of the derivative it purchased in connection with the Letter Agreement.

COMMISSION FINDINGS

This Application represents another energy buy-back proposal from Idaho Power. Under the Letter Agreement, Idaho Power buys back 50 MW of power that Astaris surrenders in order to accelerate the conversion of its manufacturing process. Astaris is compensated for surrendering its contractual right to 50 MW of power and Idaho Power is able to obtain 50 MW of power at a discount from projected market rates.

As a preliminary matter the Commission finds that a decision on this Application should not be delayed as requested by the Industrial Customers of Idaho Power. Because the underlying value of the transaction described in the Letter Agreement is subject to rapid price changes that are occurring in the wholesale power markets and because there is considerable risk in not being able to close all aspects of the transaction if this matter is not decided expeditiously, taking additional time for a decision is not appropriate. Accordingly, the Industrial Customer's request is denied.

The Commission finds that the Letter Agreement has considerable value because it allows 50 MW of reduced load to be made available to serve all Idaho Power system customers during this time of volatile energy market prices and reduced generation capacity due to low water conditions. The Commission also finds the price which Idaho Power will pay Astaris for this reduced load to be reasonable. Idaho Power proposes to pay Astaris an average of 15.9¢ per kWh over the term of the Letter Agreement. When compared to the projected forward market prices this

price represents a 14.5% discount and will save Idaho Power Company more than \$21,000,000 in purchase power expenses if price projections for purchasing power prove to be accurate. Furthermore, under the Letter Agreement 50 MW will always be available to Idaho Power for a two-year period. The value of this program is thus much greater to the system than the energy sought from other programs that Idaho Power is offering. The Commission finds that this value justifies Idaho Power's decision to pay Astaris an average of 15.9¢ per kWh or 86.5% of the projected market prices over the term of the Letter Agreement rather than a lower level established by a bidding process or some other means as urged by many of the parties. Therefore, after reviewing the record and all the facts, the Commission finds that approval of the Application and attached Letter Agreement is in the public interest. Accordingly, the load reduction it provides shall be added to the Company's portfolio as a system resource.

The Commission finds that prudently incurred payments made by Idaho Power to Astaris for purchases of energy should be treated as a purchase power expense and then flowed through Idaho Power's PCA mechanism. Further, in order to monitor the costs and any benefits the Company shall establish sub-accounts to specifically track the results of this Program. The PCA filing shall also include a separate line to identify costs of this Agreement.

The Commission recently has been informed by Company officials from Astaris that it will pay for the cost of the derivative. Because this resolves the issue of who should be responsible for the costs of the derivative, the Commission need not make any findings regarding the derivative. Simply put the issue is now moot.

ORDER

IT IS HEREBY ORDERED that the Industrial Customers of Idaho Power's request for the Commission to delay decision in this case is denied.

IT IS FURTHER ORDERED that Idaho Power Company's Application requesting Commission approval of the attached Letter Agreement is approved as a system resource and that the load reduction be added to the Company's resource portfolio.

IT IS FURTHER ORDERED that the reasonably incurred payments made by Idaho Power to Astaris for purchases of energy should be treated as a purchase power expense and then flowed through Idaho Power's PCA mechanism. Further, in order to monitor the costs and any

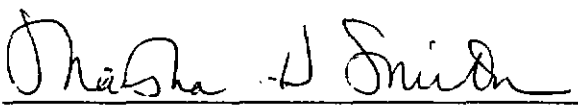
benefits the Company shall establish sub-accounts to specifically track the results of this Program. The PCA filing shall also include a separate line to identify costs of this Agreement.

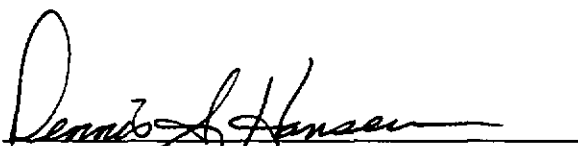
IT IS FURTHER ORDERED that the issue of whether Idaho Power should recover the costs of the derivative it purchased is moot.

THIS IS A FINAL ORDER. Any person interested in this Order or in interlocutory Orders previously issued in this Case No. IPC-E-01-9 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. IPC-E-01-9. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

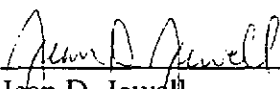
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th day of April 2001.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:IPCE019_jh2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 2000

ASTARIS PRODUCTION LLC
PO BOX 839
SODA SPRINGS ID 83276

RE: Water Right 27-07057 (Transfer 5820)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5820). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela L. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
NOV 07 2000

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of October, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 27-07057 (Transfer 5820)

ASTARIS PRODUCTION LLC
PO BOX 839
SODA SPRINGS ID 83276


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 07 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

NOV 07 2000

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5820

Date Reviewed 10-24-2000

Right(s) 27-07057

☒ WRQ/Split Summary NA SRBA Status NA Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

☒ I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership Special Warranty Deed FMC to Astaris Production LLC

"All of 27-07057..." Includes description containing all sections under 27-07057.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season NA to NA Standard Volume NA

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

☒ Change P/D

☒ Change P/U

Transfer Remarks W50

Conditions 046, T07, T08

Database/Processing Notes

Standard ☒ Non-Standard ☐

I file.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

38
10-25-2000

WR0631NP

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 10/20/00
TIME: 11:01:00
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
27-07057	FMC CORP	C	12/18/1975	L/	GROUNDWATER	MINING	WR
T27-07057	ASTARIS PRODUCTION LLC	C	12/18/1975	L/	GROUNDWATER	MINING	WR

T5820

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

8-9-00
T5820
RECEIVED
OCT 04 2000

Department of Water Resources

INITIAL REVIEW BY: HWT

1. Right number 27-07057 Applicant Astoria Production LLC

2. Type of right: ☐ Decree ☒ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s)
☒ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer)..

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments _____

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 27-07058

k. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

Send copy to USFS
c/o Lee Leffert in Pocatello

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☒ No No Ad. Claim required!

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* If old well must be properly abandoned
Per well construction standards

4. By BPC Date 9/29/2000

*All uses within Watermaster District require special conditions

(T5820)

Affidavit of Publication

County of Caribou

State of Idaho

ss.

Mark Steele

being first duly sworn on his oath, states:

That he is publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached 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

17th day of

August, 2000

The date of the last publication

being the 24th day of

August, 2000

On this 25 day of August

in the year of 2000, before

me, a Notary Public, personally

appeared

known to me to be the person who made subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5820

Notice is hereby given that Astaris Production LLC, P.O. Box 839, Soda Springs, ID 83276 has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 27-07057

Source: Groundwater

Amount: 2.0 cfs

Priority: 12/18/1975

Point(s) of Diversion: NESW
SEC 31 T07S R44E, CARIBOU
COUNTY

The water is used for mining within SEC 31 T07S R44E and SEC 5, 6 and 8 T08S R44E.

TO BE CHANGED AS FOL- LOWS:

The applicant intends to change the point of diversion to the SENW SEC 16 and the place of use to portions of SEC 5, 8, 9, 15, 16, 21 and 22 T08S R44E. These changes reflect the general move of the mining activity.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before September 5, 2000. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER
Director

Published in the Caribou County Sun on Aug. 17 and 24, 2000.

MICROFILMED

NOV 07 2000

RECEIVED

SEP 05 2000

Department of Water Resources
Eastern Region

Notary Public for Idaho

Residing at Soda Springs, Idaho

My commission expires:

March 11, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US FOREST SERVICE
C/O LEE LEFFERT
250 S 4TH AVE
POCATELLO ID 83201

RE: Application for Transfer #5820

Dear Lee:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is September 5, 2000, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

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NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ASTARIS PRODUCTION LLC
PO BOX 839
SODA SPRINGS ID 83276

RE: Application for Transfer # 5820

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on August 16 and 23, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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NOV 07 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

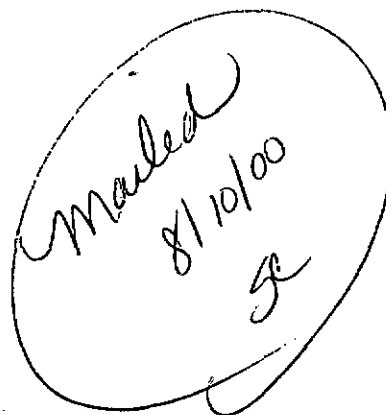
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before September 5, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



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NOV 07 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5820

Notice is hereby given that Astaris Production LLC, PO Box 839, Soda Springs ID 83276, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a ground water source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 27-07057

Source: Ground water

Amount: 2.0 cfs

Priority: 12/18/1975

Point(s) of Diversion: NESW SEC 31 T07S R44E, CARIBOU COUNTY

The water is used for mining within SEC 31 T07S R44E and SEC 5, 6, and 8 T08S R44E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change the point of diversion to the SENW SEC 16 and the place of use to portions of SEC 5, 8, 9, 15, 16, 21 and 22 T08S R44E. These changes reflect the general move of the mining activity.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before September 5, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Caribou County Sun on August 16 and 23, 2000.

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NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 16, 1998

PHILIP E. BATT
GOVERNOR

FMC CORP.
PO BOX 4111
POCATELLO ID 83201

KARL J. DREHER
DIRECTOR

RE: WATER RIGHTS 27-07057/27-07058

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The license are **preliminary orders** issued by the Department pursuant to section 67-5243, Idaho Code. **They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency

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action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records, I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosures

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NOV 24 1998 ₃

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of November, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

Water Rights 27-07057/27-07058

**FMC CORP
PO BOX 4111
POCATELLO ID 83201**


Kari Lynn Townsend
Secretary

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NOV 24 1998

FMC Corporation

Phosphorus Chemicals Division
Mining Department
Box 668
Soda Springs Idaho 83276
208 547 2265

FMC

September 21, 1998

RECEIVED
SEP 24 1998
Department of Water Resources

Shelley W. Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
P. O. Box 83720
Boise, ID 83720-0098

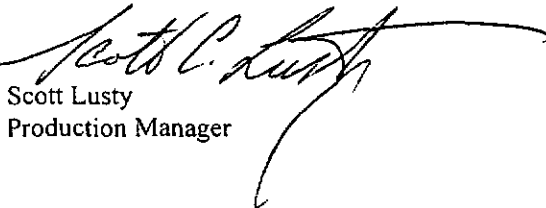
RE: Water Right No. 27-07057 and 27-07058

Dear Ms. Keen:

Enclosed are the Filing Fee Applications for Amendment, the \$50.00 fee is paid out of our Chicago Office which should arrive at your office September 24, 1998.

If you have any questions, please contact me at (208) 547-2716.

Sincerely,



Scott Lusty
Production Manager

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NOV 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Scott Lusty
FMC Corp.
PO Box 668
Soda Springs, ID 83276

RE: Permit Nos. 27-07057 and 27-07058

Dear Mr. Lusty:

The Department is in the process of reviewing Permits 27-07057 and 27-07058 for licensing.

The rate of diversion permitted under Permit 27-07058 was 2.00 cfs. The examination fee paid for this permit (\$100.00) limits the rate to 1.00 cfs. The examiner calculated a system capacity of 5.14 cfs from the two wells used under this permit. If you want the water right license to reflect the 2.00 cfs as permitted, you must submit the additional examination fee of \$25.00 required for a diversion of 2.00 cfs, plus a late payment penalty of \$25.00, within 30 days.

Further, both permits (27-07057 and 27-07058) must be amended before water right licenses can be issued. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point of diversion and place of use developed are in locations other than what was described on Permit No. 27-07058. The place of use is in a location other than what was described on Permit 27-07057.

The enclosed Application for Amendment forms depict the point of diversion and place of use and other information as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$50.00 filing fee (for each amendment) within 30 days.

If you have any questions, please contact me as soon as possible at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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NOV 24 1998

MEMORANDUM

TO: Files 27-07057 and 27-07058

FROM: Sharla

DATE: September 15, 1998

RE: Recommendation Adjustment(s)

The places of use under both permits have been changed to encompass the area described in the "Dry Valley Location Map Figure 2" as the mine pit and haul road. The tanks are used for dust abatement on the haul road, which follows the same general path as the pipeline identified on the map attached with the application when 27-07057 was filed.

The adjustments to licensing recommendations for the above referenced permits are as follows:

27-07058:

C. DIVERSION AND DELIVERY SYSTEM

2. Point(s) of Diversion:

T7S, R44E, S31 - NESW

T8S, R44E, S8 - SENE

There is additional capacity from the well in NESW, S31 that can be utilized under 27-07058; thus this point of diversion has been added.

Exam Date: March 30, 1995

Examiner: Don Simpkins

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LICENSE REVIEW CHECKLIST

PERMIT NO. 27-07057

DATE 2/3/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓</u>	<u>—</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>2.0</u> cfs
Fee limit	<u>2.0</u> cfs \$125 ⁰⁰
Measured	<u>—</u> cfs
Theoretical	<u>4.11</u> cfs

Recommended Total Div Rate 2.0 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use ✓

Mining

Volume Calculation

<u>33.1</u>	af
<u>—</u>	af
<u>—</u>	af
<u>—</u>	af
<u>—</u>	af

SUBTOTAL

33.1 af

*engineers supplied yearly
usage figures for the
well & well under 7058*

Flow rate 2.0 cfs X 365 days X 1.98^{af} = 1445.4 af

Total volume recommended 33.1 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

are proc. & dust abatement
on haul road.

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo —

1st Amend Letter P41 P38

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 08 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 27-7057

1. Owner: FMC CORPORATION Phone No. (208) 547-2701

Current Address: P.O. BOX 4111, POCA TELLO, IDAHO 83201

2. Accompanied by: N/A EXAM DATE: 3/30/95

Address: N/A Phone No. N/A

Relationship to Permit Holder: N/A

3. Source: GROUND WATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 27-02076, 27-07058

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SW	31	7S	44E	CARIBOU	U.S.G.S. TOPO MAP

2. Place(s) of Use:

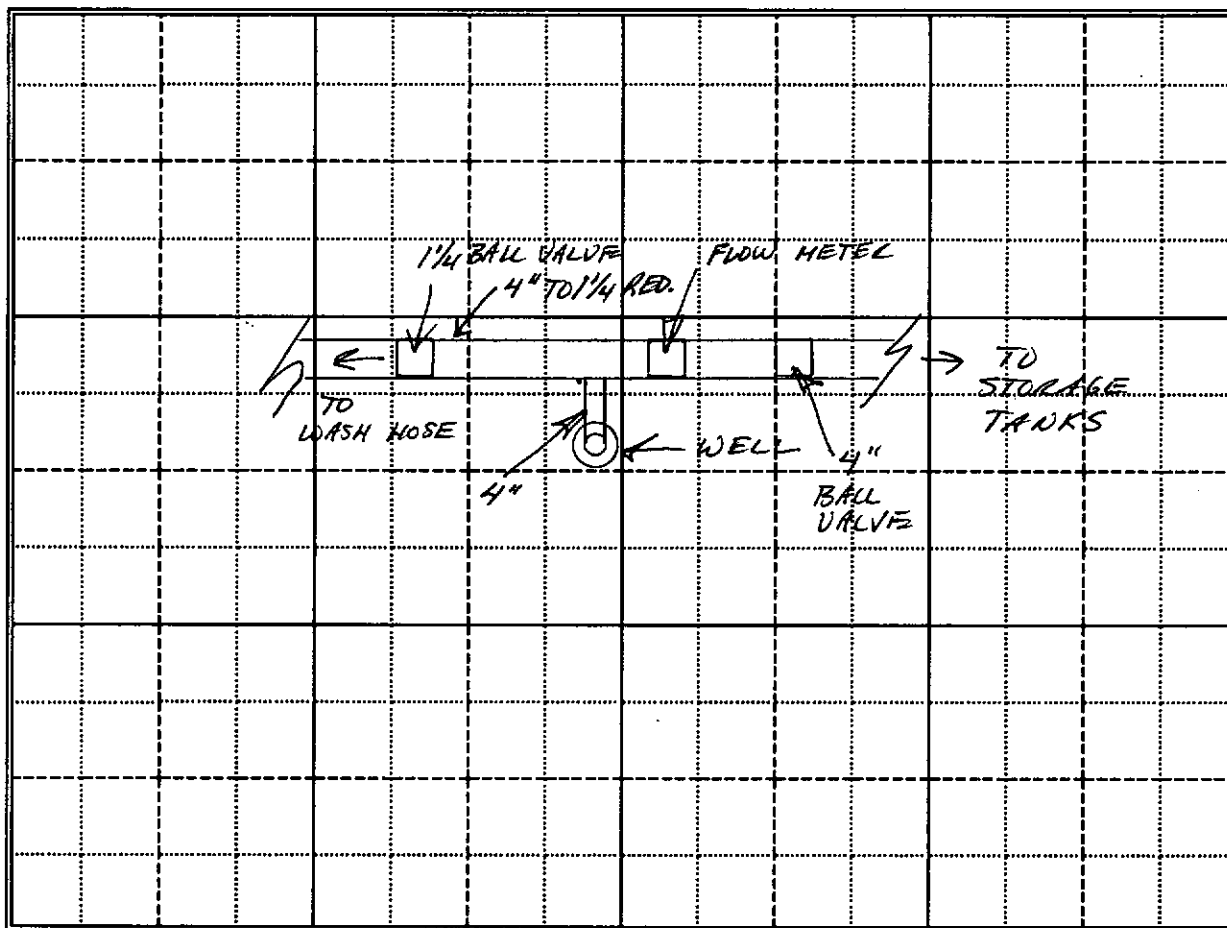
Indicate Method of Determination SUPPLIED BY ENGINEERS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	44E	31					X	X		X	X			X			X		
8S	44E	6	X	X															
8S	44E	5								X	X	X	X						
8S	44E	8	X	X															

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NOV 2 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE PHOTOS + ATTACHED MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#57		20	SUBMERSIBLE		4"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: N/A

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E. NARRATIVE/REMARKS/COMMENTS

WATER IS USED TO ABATE DUST. AND MINE PROCESSING.

WATER IS PUMPED OPEN DISCHARGE TO TWO 5,000 GALLON
STORAGE TANKS; WATER IS THEN GRAVITY FED TO TANKER
TRUCKS FOR USE.

PUMP ELEV. 6410

FLOW METER IN PUMP HOUSE NOT WORKING.

Have conditions of permit approval been met? ☒ yes ☐ no

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NOV 24 1998

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$Q = 4.11 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

USAGE SUPPLIED BY ENGINEERS

$$\frac{10,800,000 \text{ GLS/YR}}{325,850 \text{ GLS/AF}} = 33.14 \text{ AFA}$$

$$\frac{10,800,000 \text{ GLS/YR}}{53,856 \text{ GLS/HR}} = 200 \text{ HRS/year TO FILL DEMAND}$$

H. RECOMMENDATIONS1. Recommended Amounts *PERMIT LIMITS TO 2.0 CFS.*

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Mining</u>	<u>1/1</u>	<u>12/31</u>	<u>2.00</u>	<u>33.19^{Kew}</u>
				<u>33.1</u>
Totals:			<u>2.00</u>	<u>33.19^{Kew}</u>
				<u>33.1 afa</u>

2. 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

I. AUTHENTICATIONField Examiner's Name SIMPKINS Date 1/18/96Reviewer [Signature] Date 2-26-96

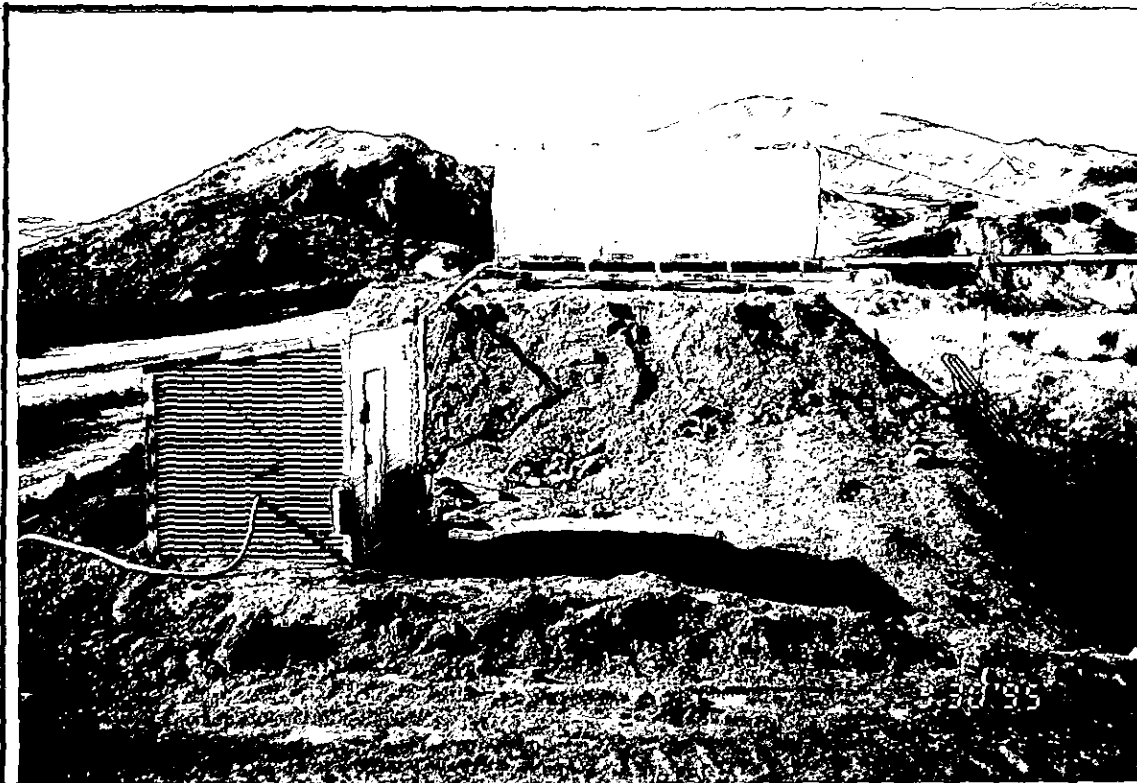
SEAL

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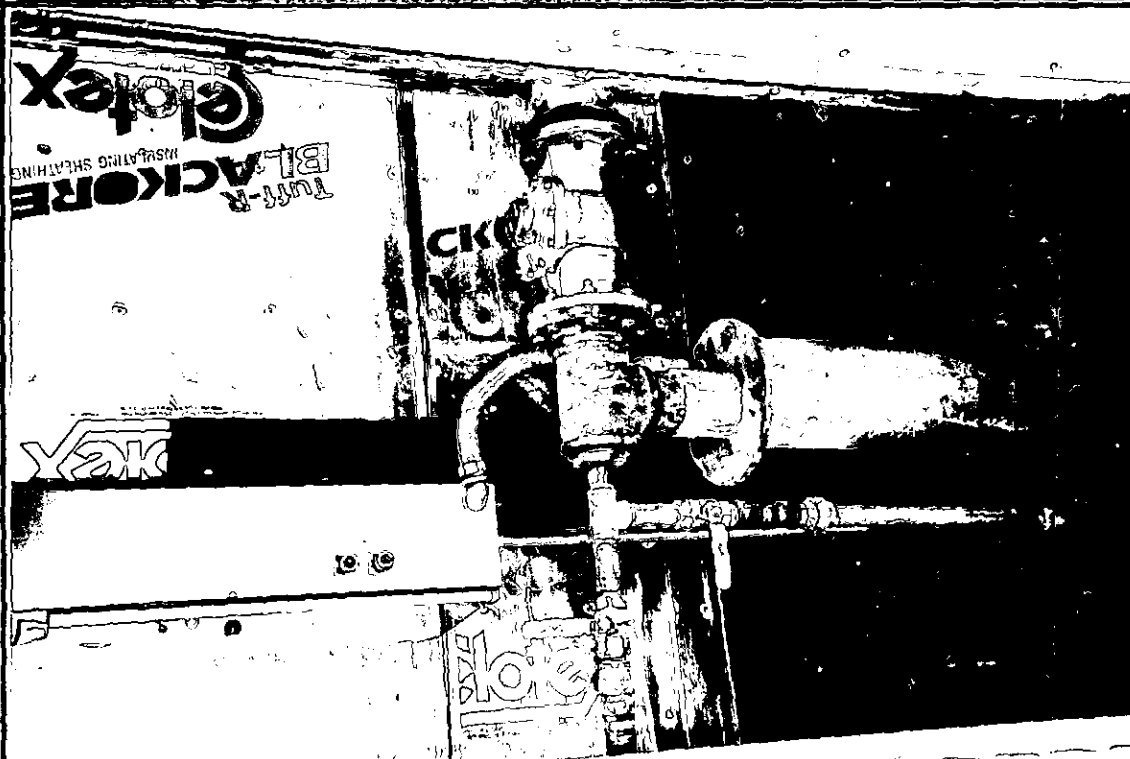
NOV 24 1998

FMC CORPORATION
NE SW, SEC 31, T 7S, R 44E.

1 of 2



WATER
STORAGE
TANK AND
WELL HOUSE
POINT OF
DIVERSION

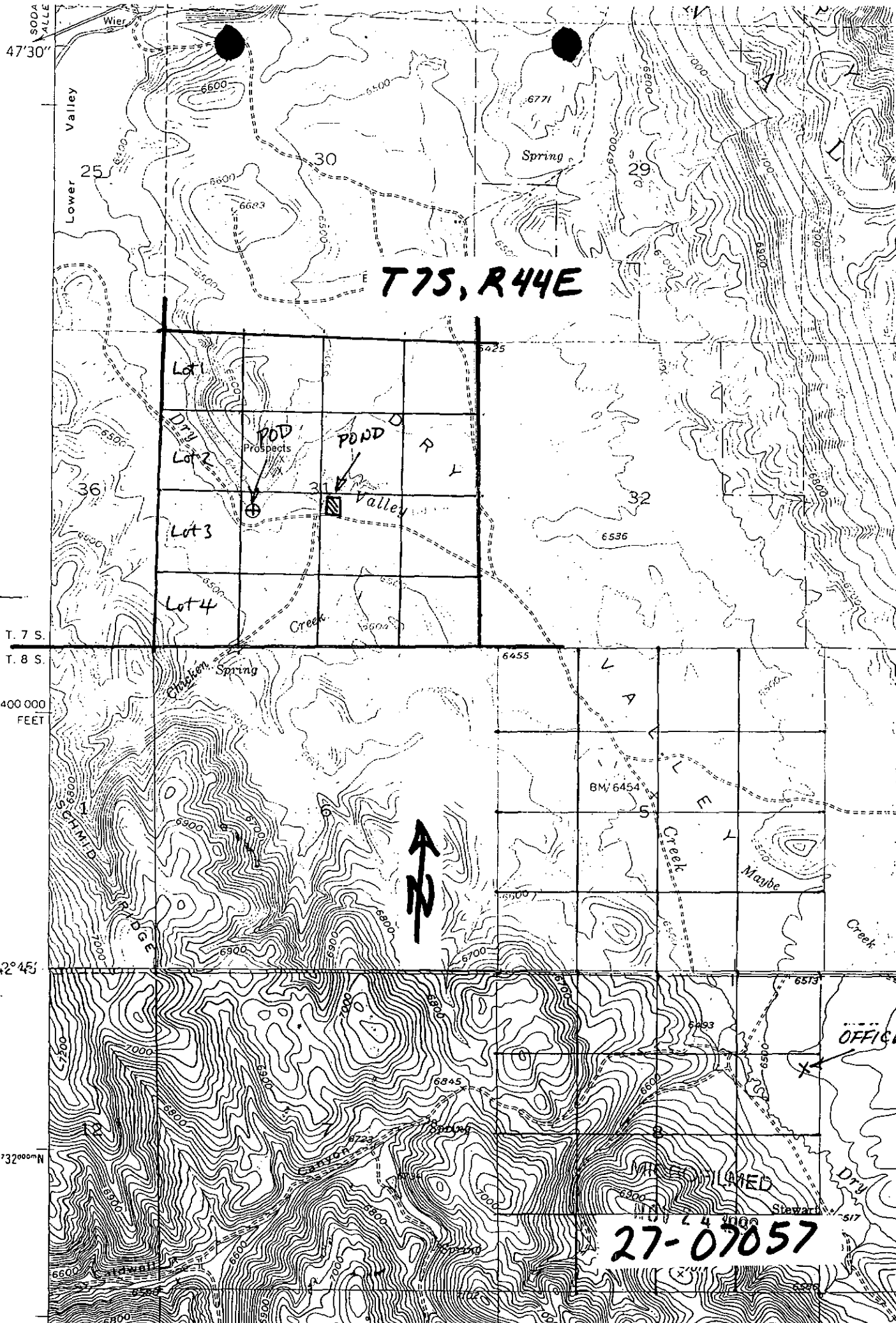


WELL +
FLOW METER

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NOV 24 1998

WATER USED TO CUT MINING PROCESS/ROAD DUST

27-7057



T7S, R44E

Lot 1

Lot 2

Lot 3

Lot 4

POD Prospects

POD

Valley

Creek

Chick Spring

BM 6454

Creek

Maybe

Creek

OFFICE

27-07057

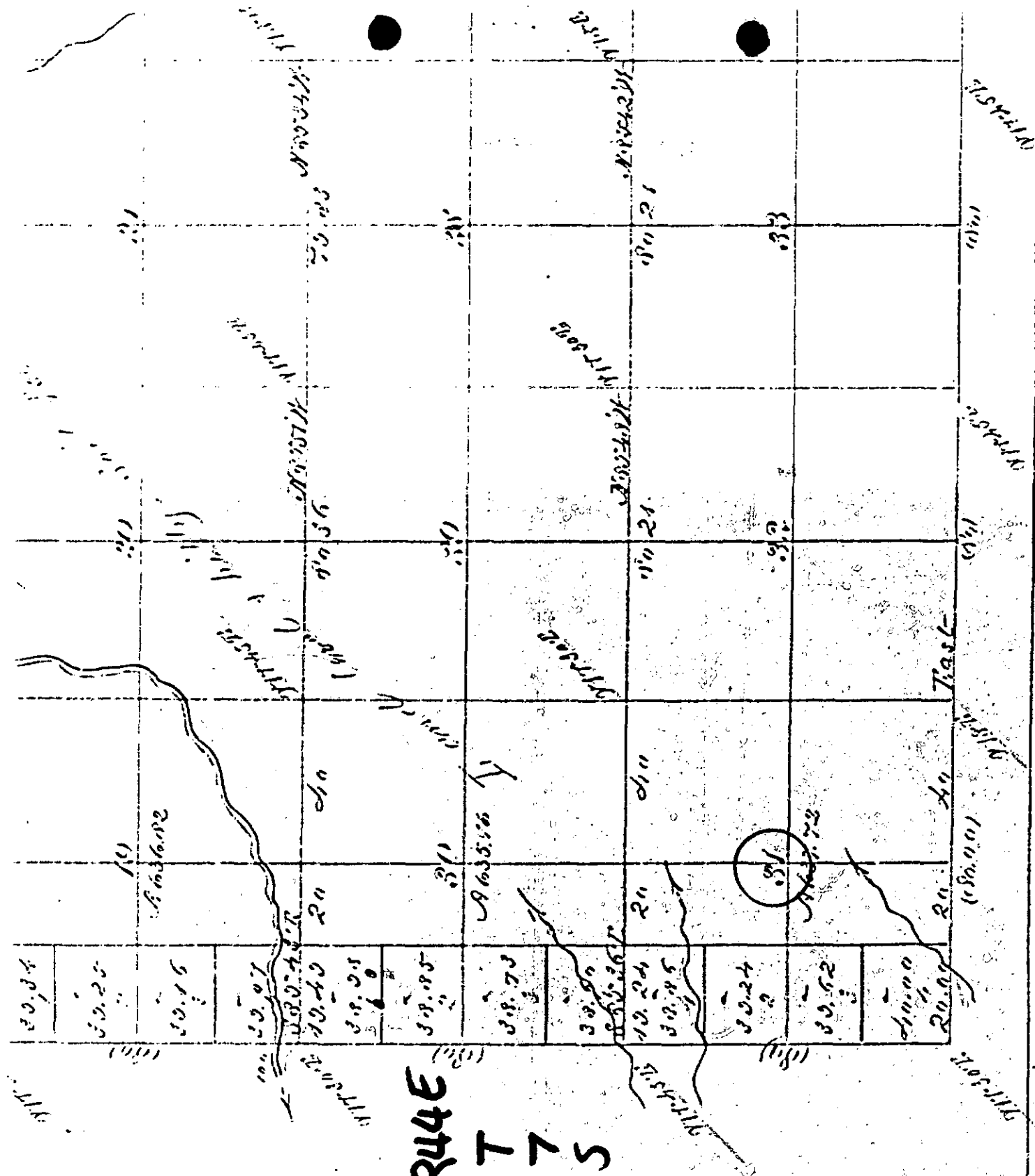
AA-98



T. 7 S.
T. 8 S.
400 000
FEET

42° 45'

N 25° 30' E



Idaho Territory November 22nd 1878

R44E
T4S

27-07057
MICROFILMED
NOV 24 1998

Surveyor's Name	Date of Survey	Name of Claimant	When surveyed	Page

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

$$\begin{aligned} Hp &= \text{Horsepower} = \underline{20} \\ Eff &= \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%) \quad 6400 \text{ gal.} \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Drawdown}) \\ \text{Static Water Level} &= \underline{10} \text{ ft.} \quad 6390 \text{ Elev.} \\ \text{Assumed Drawdown} &= + \underline{20} \text{ ft.} \quad 20 \text{ ft.} \\ \text{Lift} &= \underline{30} \end{aligned}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \frac{\text{OPEN DISC.}}{\text{TO TANKS}} \text{ psi}$$

$$Q_{cfs} = \left[\frac{20}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{30}{Lift} + \left(\frac{0}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{123.396} \right] \div \left[\underline{30} \right]$$

$$Q_{cfs} = \underline{4.1132} \text{ cfs}$$

Q LIMITED BY PERMIT TO 2.0 CFS

$$\begin{aligned} \text{PERMIT } 2.0 \text{ CFS} \times 448.8 &= 897.6 \text{ GLS/Hr} \times 60 = 53,856.0 \text{ GLS/Hr} \times 24 \\ &= 1,292,544 \text{ GLS/DAY} \times 865 = 4,71778 \times 10^8 \end{aligned}$$

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NOV 24 1998

27-07057

September 17, 1993

FMC CORP.
P.O. BOX 4111
POCATELLO ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07057

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

NOTIFIED

OCT 18 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 27-07057 Reviewed by Klg Date 9/13/93

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
NA Proof timely received?
If not, complete calculation below.

TYPES OF USE

Mining & processing
Correct Uses? yes

SOURCE OF WATER

 Surface water source
✓ Ground water source

8/75 NA Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
NA Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 9/3/93 9/17/93
Klg

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
FAX
208-232-6109

September 2, 1993

RECEIVED

SEP 03 1993

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern Division
900 N. Skyline
Idaho Falls, Idaho 83402

RE: FMC Permit Nos. 27-7057, 27-7058

Dear Sir:

Enclosed please find your Form 217 "Proof of Beneficial Use" for Permit Nos. 27-7057 and 27-7058 held by FMC Corporation. Also enclosed is our check in the amount of \$225 for filing fees (27-7057: \$125, 27-7058: \$100).

We would appreciate it if a field examination could be scheduled as soon as possible so that licenses might be issued on these permits. Please contact A.R. Conroy at 547-2700, 2275 Dry Valley Road, Soda Springs, Idaho 83276, to arrange for the examination.

Additionally, please be advised that the current points of use differ from those claimed in the original permits. Production from the well pertaining to Permit No. 27-7057 is being applied to beneficial use at the well site in the NE1/4 SW1/4 of Section 31, Township 7 South, Range 44 East, B.M. Production from the well evidenced by Permit No. 27-7058 will be applied to beneficial use in the NE1/4 NE1/4 of Section 8, Township 8 South, Range 44 East, B.M. The permits should be amended accordingly.

Please contact me if you have any questions.

Sincerely,

Randall C. Budge
RANDALL C. BUDGE

RCB:rr

Enclosures

cc: A.R. Conroy (w/encls.)
R.L. Mills (w/encls.)

RECEIVED

OCT 18 1993

March 1, 1991

FMC CORPORATION
P O BOX 4111
POCATELLO ID 83202

Dear Permit Holder:

Re: Permit Nos. 27-7057 and 27-7057

Enclosed is a copy of each of the approved requests for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1994.

Note that the department has granted these extensions based on delay by governmental agencies. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Randall C. Budge

INDEXED

MAR 15 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 22-7057

Reviewed by [Signature]

Date 2-28-91

BASIC INFORMATION

- 4 Date stamp received
9 Extension received timely (not too early not too late)
4 Fee received and receipted
4 Name and signature same as permit
N Address change

BASIS FOR EXTENSION REQUEST

- _____ Has adequate work been completed to demonstrate due diligence?
 _____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- 1 Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____ Delay by
 Requested? _____

ACTION TAKEN

Recommend approval based on
deligence for 3 years - 1-1-94
gov. agencies

off Reinstate Date extention received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

[Signature] Change proof due date _____ Address change
 Priority date change _____

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN

*ALSO MEMBER ILLINOIS BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

November 14, 1990

RECEIVED

NOV 23 1990

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Eastern District
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: FMC Corporation
Water Right Permit Nos. 27-7057 and 27-7058

Dear Sir:

FMC Corporation is the owner of Permit Nos. 27-7057 and 27-7058. These permits pertain to the mine that FMC is in the process of developing in the Dry Valley area of Caribou County. SRBA claims were not filed with respect to these permits, as we were advised by Senior Water Rights Agent Tony Olenichak that such were unnecessary for the reason that proof of beneficial use had not been submitted for either permit.

Proof is due by January 1, 1991 for each permit. Additional time is needed in which to submit proof of beneficial use. Accordingly, for each permit we are enclosing an IDWR form 204, "Request for Extension of Time", together with our check in the amount of \$30, representing the \$15 filing fee for each request.

Because the available space on the request form is limited, additional information in support of the request appears appropriate and is hereby provided.

During the period 1988 through August 1990, FMC has expended in excess of \$2,612,200 for mine development. Included in this amount are the costs of drilling, casing, and screening one test well for each permit and drilling and monitoring wells to check test well draw-down.

Some of the reasons for the delay in the development of these permits and in support of the Request for Extension of Time are as follows:

RECEIVED

MAR 15 1991

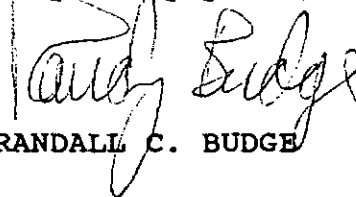
State of Idaho
Department of Water Resources
Page 2
November 14, 1990

1. FMC's mine and reclamation plan must be approved by the BLM and the Idaho Department of Lands before mining can begin.
2. Dry Valley Mine start-up must be coordinated with final depletion of the existing Gay Mine ore reserves. FMC presently forecasts mining phosphate ore will commence in Dry Valley during 1992.
3. By 1993, FMC plans to use both wells beneficially for mine dust control, for industrial clean-up and as culinary water sources.
4. Incident to mine and reclamation plan development, FMC accomplished additional ore body exploration and has opened a mining office in Soda Springs.

Attached to each permit as supplemental information is a Scoping Statement pertaining to FMC's proposed mine and reclamation plan in Dry Valley, providing additional information concerning the same.

If supplemental information is needed or if you have any questions, please contact me, as FMC is happy to respond to the same.

Very truly yours,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: R.L. Mills, Mgr., Energy Dept., FMC

RECEIVED

MAR 15 1991



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
IDAHO FALLS DISTRICT OFFICE
940 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401



IN REPLY REFER TO:

3500

SEP 24 1990

Dear Interested Public:

Attached is the Scoping Statement for the Mine and Reclamation Plan as proposed by the FMC Corporation for the north end of their Dry Valley Property. The Scoping Statement serves as a notice of the inception of the analysis process to fulfill the requirements of the National Environmental Policy Act. If you are interested in participating in this process, we request your written comments on the issues, concerns, and opportunities that have been identified or any additional issues, concerns, or opportunities by October 29, 1990.

If you have additional questions concerning the mining proposal, feel free to contact this office or the offices listed in the attached Scoping Statement.

Sincerely,

Lloyd H Ferguson
District Manager

Attachment

RECEIVED

MAR 15 1991

SCOPING STATEMENT

Proposed Mine and Reclamation Plan

Dry Valley Mine
FMC Corporation

In November of 1988, FMC Corporation submitted a mine and reclamation plan for the development of the phosphate reserves on Federal leases I-015097, I-014184, I-011866, and I-0678 (commonly referred to as the Dry Valley leases). The leases lie in Section 31 of T. 7 S., R. 44 E., and in Sections 5, 6, 8, 9, 15, and 22 of T. 8 S., R. 44 E., on lands administered by both the Bureau of Land Management and the Caribou National Forest, as well as on federally owned minerals administered by the BLM (See figures 1 and 2). In addition to the federal leases, FMC's Dry Valley property includes a State of Idaho lease and private leases owned by FMC. The 1988 mine and reclamation plan was an update of plans previously submitted by FMC in 1974 and 1977. Development of the Dry Valley property by FMC is needed to replace ore that is currently being mined at the Gay Mine on the Fort Hall Indian Reservation. Reserves at the Gay Mine will be depleted in 1993.

In order to initiate the NEPA process, the BLM issued a scoping statement on the 1988 plan and requested comments on the issues, concerns, and opportunities associated with the plan. Comments were received which recommended that FMC redesign their mine plan to mine the deposit from north to south so that only one pit would not be backfilled, rather than the two pits that would have been left open in their proposed plan. Based on the comments received in 1988 and the results of recent drilling on the north end of the property, FMC has made a decision to begin mining at the north end of their property. That decision has required FMC to resubmit their mine plan. Also, FMC will make application to the Army Corp of Engineers for a Section 404 Permit under the Clean Water Act for the crossing of Dry Creek on the north end of the property, the placement of waste rock into wetlands adjacent to Dry Creek and Chicken Creek, and the relocation of a portion of Dry Creek. FMC has also stated that they will attempt to mine below the ground water table, which would require pumping water from the pit. In addition, in reviewing the 1988 plan, the BLM determined that the southern two pits in the 1988 plan did not have adequate drill data on which to base the design of the pits. As a result, FMC has decided to submit an updated mine and reclamation plan that will propose mining on the north half of the property only.

The 1990 mine and reclamation plan submitted by FMC proposes to begin mining at the north end of lease I-015097 and proceed to the south end of the lease (See figure 2). The box end cut for the south end of the Panel B pit would be on the extreme north end of lease I-014184, however, no other mining would occur on federal leases I-014184, I-011866, or I-0678 under the 1990 plan. Mining of the

MAR 15 1991

north end of lease 1-015097 would require the approval of a Section 404 Permit by the Army Corp of Engineers and stream channel alteration permits by the Idaho Department of Water Resources for a haulroad crossing of Dry Creek, a rerouting of a 350 foot segment of Dry Creek, and the placement of waste rock in the wetlands adjacent to Dry Creek. The Section 404 Permit would also be required for a portion of Chicken Creek where an external waste dump is proposed.

FMC has included two external waste dump proposals in their 1990 mine plan. The first dump proposal includes a dump east of the A panel, a dump that covers a portion of Chicken Creek west of Panel B, and a dump east of Panel B. The second dump proposal includes a dump east of Panel A, two dumps west of Panel B which are located north and south of Chicken Creek, and a dump east of Panel B. A summary of the acreage proposed to be disturbed and reclaimed by FMC's 1990 mine plan is as follows:

Alternative 1 Mining and Dump Proposal

<u>Area to be disturbed</u>	<u>Acreage Disturbed</u>	<u>Reclamation</u>	
		<u>Total</u>	<u>Partial</u>
Pits	241	175	66*
External Waste Dumps	188	188	0
Roads, Railroad Siding, and Facilities	108	108	0
Water Control Structures	<u>12</u>	<u>12</u>	<u>0</u>
Total Disturbance	549	483	66

Alternative 2 Mining and Dump Proposal

<u>Area to be disturbed</u>	<u>Acreage Disturbed</u>	<u>Reclamation</u>	
		<u>Total</u>	<u>Partial</u>
Pits	241	175	66*
External Waste Dumps	231	231	0
Roads, Railroad Siding, and Facilities	108	108	0
Water Control Structures	<u>12</u>	<u>12</u>	<u>0</u>
Total Disturbance	592	526	66

*56 acres in Panel B would be backfilled with waste from Panel C when the mine plan for that panel is developed and submitted for approval. Ten acres of pit highwall on Panel A would not be reclaimed.

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MAR 15 1991

FMC proposes to begin construction of the railroad siding and mine facilities on their private land during the summer of 1991. Stripping of waste would begin in the first quarter on 1992 and the first ore would be shipped in 1993. Access to the Dry Valley lease would be via the existing Dry Valley road. The railroad siding would connect FMC's tipple to the existing railroad line in Dry Valley. Ore would be hauled by rail to FMC's elemental phosphorus plant in Pocatello, Idaho. The 1990 mine plan would provide FMC's ore requirements for the next 10 years.

The following issues, concerns, and opportunities have been identified in processing FMC's 1990 Mine Plan:

- Impacts of mining on big game
- Long-term stability of overburden disposal areas, reclamation, control of erosion from disturbed lands, and long-term productivity of mined lands
- Maximum recovery of ore from the mined area
- Land use conflicts, especially livestock grazing
- Increased use of the Dry Valley road and safety at the railroad and haulroad crossings on the road
- Maximizing pit backfill following mining
- Impacts on groundwater quality and quantity as a result of mining below the ground water table and the pumping of water from the pits
- Affects on surface water quality and flow as a result of altering the channel of Dry Creek and the building of a waste dump in the Chicken Creek drainage
- Additional employment opportunities in the Soda Springs area
- Impacts on wetlands along Dry Valley and Chicken Creeks, and the temporary loss of a portion of the Dry Creek stream channel
- Cumulative impacts in the Dry Valley area

The Environmental Assessment that will be prepared will be a joint document between the Bureau of Land Management and the Army Corp of Engineers. The document will analyze the impacts of approving the mine plan proposed by FMC as well as issuing a Section 404 permit by the Corp of Engineers. The following alternatives will be evaluated in the EA:

- FMC's mining proposal, which would include the construction of 3 external waste dumps, including a dump in the Chicken Creek drainage
- An alternative external dump proposal which would split the dump west of Panel B and not disturb the Chicken Creek drainage
- The no action alternative

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MAR 15 1991

The Environmental Assessment is scheduled to be prepared during the fall and winter of 1990. Comments from the public, concerned organizations, and Federal, State, and local governmental bodies must be received by October 29, 1990 in order to be used in developing the EA.

Your help in identifying additional issues, other alternatives, and mitigating measures would be appreciated. Information related to FMC's 1990 mining proposal is available for review at the Bureau of Land Management offices in Pocatello and Idaho Falls.

Send written comments or call:

Wallace Evans, Area Manager
Pocatello Resource Area
Room 172 Federal Building
Pocatello, Idaho 83201
(208) 236-6860

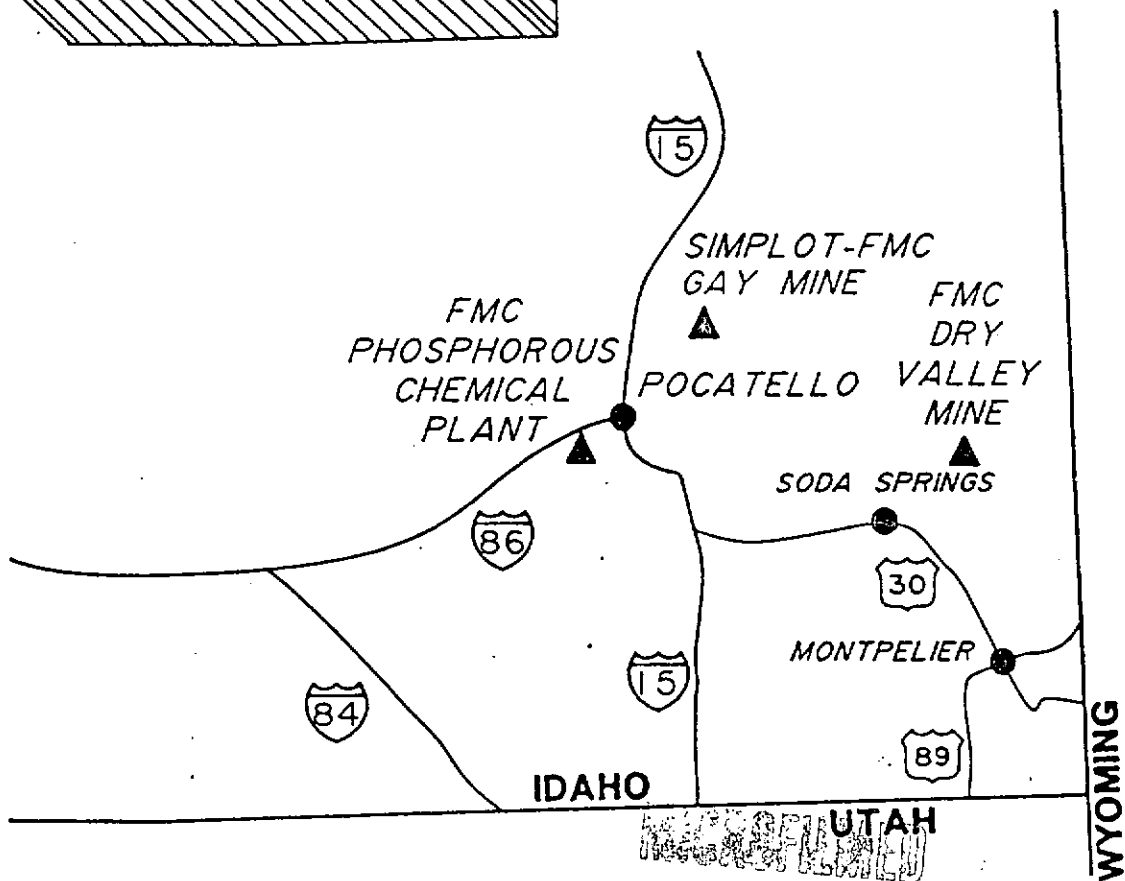
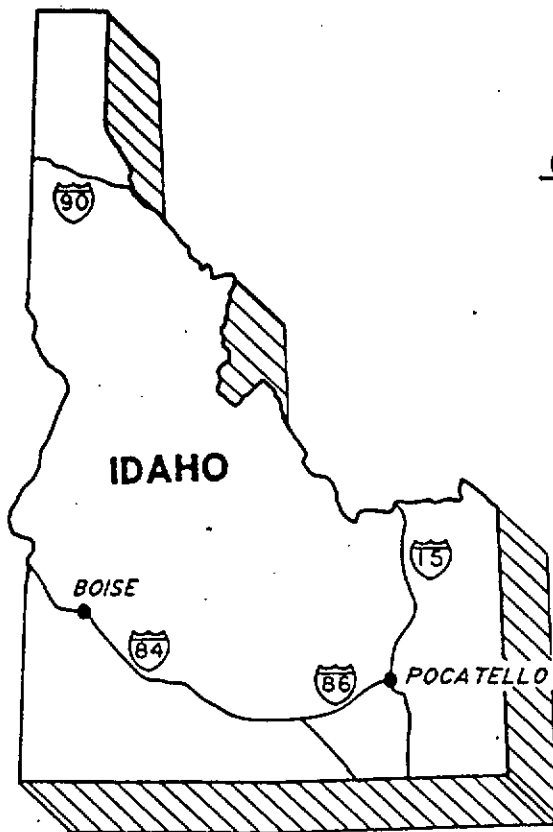
Greg Martinez, Field Representative
U.S. Army Corp of Engineers
Lucky Peak Project Office
HC-33 Box 1020
Boise, Idaho 83706-9302
(208) 343-0671

RECEIVED

MAR 15 1991

GENERAL LOCATION MAP

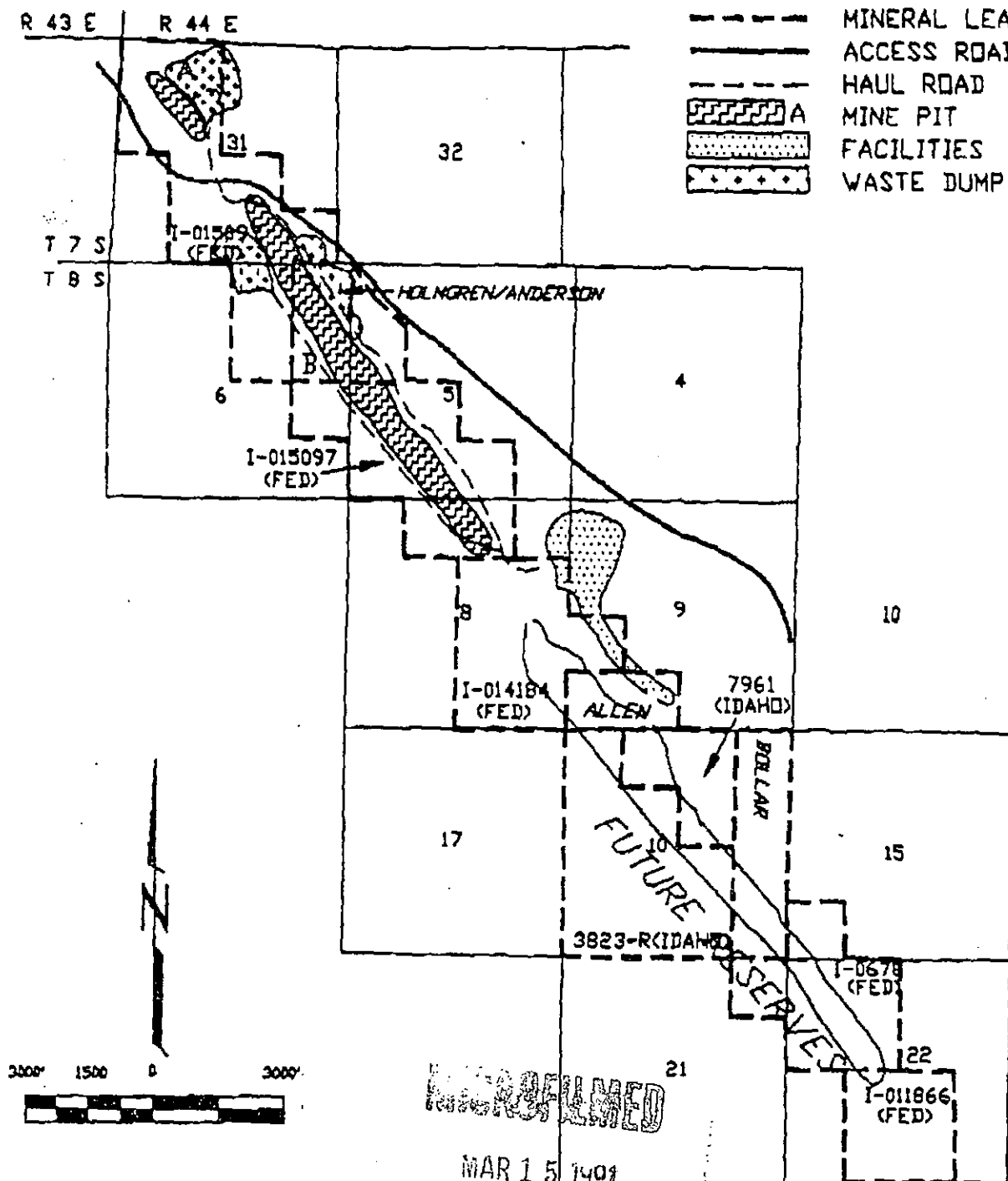
FIGURE 1



RECEIVED
MAR 15 1991

LEGEND

- MINERAL LEASE
- ACCESS ROAD
- HAUL ROAD
- ▨ A MINE PIT
- ▨ FACILITIES
- ▨ WASTE DUMP



DRY VALLEY LOCATION MAP
FIGURE 2

FMC CORP.
P.O. BOX 4111
POCATELLO, ID 83201

138571
October 31, 1990

PROOF DUE NOTICE
RE: PERMIT NO. 27-07057

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

MAR 15 1991

February 1, 1988

Lynn K. Jennings
Dechert, Price & Rhoads
1500 Market St.
Philadelphia, PA 19102

27-4063
27-7057 ✓
27-7058

Dear Ms. Jennings:

Re: FMC Corporation Inquiry

In response to your letter of inquiry dated January 5, 1988, the department has researched the files with respect to approvals granted in connection with the FMC Corporation facility located in Pocatello, Idaho.

Enclosed is an abstract which shows three (3) water rights in the name of FMC Corporation. There is no charge for the information.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enc.: 1

RECEIVED
FEB 1 1988

APR 01 1988

LAW OFFICES OF

DECHERT PRICE & RHOADS

3400 CENTRE SQUARE WEST

1500 MARKET STREET

PHILADELPHIA, PA 19102

TELEPHONE: (215) 972-3400

TELEX 84 5324 • GARDEP

TELECOPIERS

(215) 972-3864

(215) 568-1137

477 MADISON AVENUE
NEW YORK, NY 10022
(212) 326-3500

250 AVENUE LOUISE
1050 BRUSSELS, BELGIUM
(021) 647 85 85

52 BEDFORD SQUARE
LONDON WC1B 3EX, ENGLAND
01. 631. 3383

DIRECT DIAL
(215) 972-

1189

1730 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20006
(202) 626-3300

800 NORTH THIRD STREET
HARRISBURG, PA 17102
(717) 233-7947

RECEIVED

JAN 12 1988

January 5, 1988

Department of Water Resources

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kenneth Brooks, Chief
Bureau of Air Quality
Div. of Environment
Dept. of Health & Welfare
450 W. State St.
Boise, ID 83720

Stanley F. Hamilton
Director
Dept. of Lands
State Capitol Bldg.
Room 121
700 W. Jefferson St.
Statehouse Mail
Boise, ID 83720

Steve Provant
Manager
Solid & Hazardous Waste Section
Bur. of Hazardous Materials
Div. of Environment
Dept. of Health & Welfare
Towers Bldg., 5th Fl.
450 W. State St.
Boise, ID 83720

A. Kenneth Dunn ✓
Director
Dept. of Water Resources
Towers Bldg.
450 W. State St.
Boise, ID 83720

Lee W. Stokes
Administrator
Div. of Environment
Dept. of Health & Welfare
Towers Bldg.
450 W. State St.
Boise, ID 83720

Cheryl Koshuta
Chief
Bur. of Hazardous Materials
Div. of Environment
Dept. of Health & Welfare
Towers Bldg., 5th Fl.
450 W. State Street
Boise, ID 83720

Al Murray
Chief
Bur. of Water Quality
Div. of Environment
Dept. of Health & Welfare
Towers Bldg., 5th Fl.
450 W. State St.
Boise, ID 83720

Re: Freedom of Information Act

APR 01 1988

To the Above Addressed Parties:

Please provide copies of any of the following documents which may be made available to the public regarding the FMC Corportion facility in Pocatello, Idaho:

All reports, notifications and other information filed under or pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986 and/or any other state statute which similarly relates to hazardous substances;

All reports, permit applications (Parts A and B) and other filings made under or pursuant to the Resource Conservation and Recovery Act, as amended and/or any other state statute which similarly relates to solid or hazardous wastes;

All water discharge permits and permit modifications issued since January 1, 1982, pursuant to the Clean Water Act and/or any other state statute which similarly relates to discharges into bodies of water together with their respective permit applications and the most recent application for a permit or permit modification, if not included in the above. If no permits have been issued since January 1, 1982, please provide the most recent permit issued together with the application therefor;

All air emission and construction permits and permit modifications issued since January 1, 1982, pursuant to the Clean Air Act, as amended and/or any other state statute which similarly relates to emission into the atmosphere together with their respective permit applications, and the most recent application for a permit or permit modification, if not included in the above. If no permits have been issued since January 1, 1982, please provide the most recent permit issued together with the application therefor;

All notices of violation and reports of noncompliance with respect to the above-identified permits;

APR 01 1988

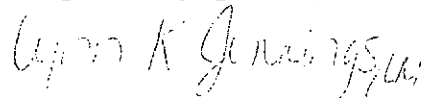
All Consent Orders, Consent Decrees, Consent Agreements, or Administrative or Judicial Orders still in effect, concerning the above-identified facility;

All records pertaining to fines and penalties, civil or criminal, assessed since January 1, 1982.

We request that the above described information be provided at the earliest possible time. We agree to pay the reasonable costs of complying with this request, in an amount not to exceed \$100.00. If cost will exceed this amount, please contact me by telephone at (215) 972-1189.

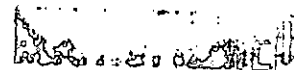
Thank you for your assistance.

Very truly yours,



Lynn K. Jennings
Legal Assistant to
William R. Herman

LKJ/dm



APR 01 1988

March 11, 1986

FMC Corporation
P. O. Box 4111
Bocatello, ID 83202

Gentlemen:

Re: Permit Nos. 27-7057 and 27-7058

Enclosed are copies of the approved requests for extension of time submitted for the above-referenced permits. The time within which to submit proof of beneficial use is extended to January 1, 1991.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Pocatello Resource Area
Federal Building, Suite 172
250 S. 4th Avenue
Pocatello, Idaho 83201

IN REPLY
REFER TO: 3500

February 13, 1986

Ms. Rita I. Fleck, Secretary
Record Management
Idaho Dept. of Water Resources
Statehouse
Boise, ID 83702

RECEIVED
FEB 14 1986

Re: Your File #27-7057 and #27-7058

Department of Water Resources

Dear Ms. Fleck:

This letter is written to document diligent development of a federal mining property in Dry Valley, and in support of FMC Corporation's request for an extension on its water permits numbers 27-7057 and 27-7058.

As is routine with mining operations in southeastern Idaho, many years are required to bring these mines into production. FMC, as recently as the summer of 1985, has continued development operations at its Dry Valley phosphate properties, including federal leases I-015097, I-014184, I-0678 and I-011866, and other private and State of Idaho mineral leases.

As the Department of Water Resources is already aware, the subject permits involve developed, cased and tested water wells. These wells provide water for phosphate mine development and operations. At this time, FMC has consumed only minimal amounts of water for exploratory drilling operations at its Dry Valley Mine. A mine and reclamation plan covering these properties was submitted to the Dept. of Interior by FMC in the mid-1970's. However, federal agency delays and other complications have precluded this property from beginning production. Specifically, some examples include: writing of an Environmental Impact Statement of which FMC's Dry Valley Mine was included, processing of the necessary mining permits, collection of additional geologic data, negotiations and acquisition of both mineral rights and surface rights from other involved parties, etc.

I hope this is useful information. Should we be able to offer any more assistance, or answer any questions, please call 236-6860.

Respectfully yours,

Wallace A. Evans
Wallace A. Evans
Area Manager

cc: Glen Bailey, FMC

MICROFILMED

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 27-7058 & 27-7057 Reviewed by [Signature]Date 3-6-1986

BASIC INFORMATION

- / Date stamp received
/ Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
/ Fee received and receipted
/ Name and signature same as permit
/ Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- / Has adequate work been completed to demonstrate due diligence?
/ Has the cost incurred been adequate to demonstrate an intent to complete the project?
/ Has the permit been involved in litigation?
 a. Swan Falls Yes Dismissed from Swan Falls Yes
 Other Identify
 b. Is supporting documentation needed to complete the file? Requested
 c. Calculate the period of delay.

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- Yes Is delay by a government agency?
 Is supporting documentation needed to complete the file? Yes
 Requested? Yes See letter dated 2-14-1986

ACTION TAKEN - Recommend approval based on delay by governmental agency

Special conditions or remarks:

2 Reinstatement Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

- Prepare coding sheet
Change rolodex card

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

December 9, 1985

FMC Corporation
P. O. Box 4111
Pocatello, ID 83202

Gentlemen:

Re: Permit Nos. 27-7057 and 27-7058

I've reviewed the Request for Extension of Time forms submitted on November 22, 1985. I see that the same information is on these forms as was submitted on the last extension requests.

It is important to determine whether you have been pursuing development of the project diligently even though no actual work has been done to start the mining process. Please provide a detailed explanation or documentation of your efforts to get federal approval of your mining and reclamation plan during the last five years.

If you have any questions concerning your water rights, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

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

EXTENSION OF TIME

November 26, 1985

FMC Corporation
P. O. Box 4111
Pocatello, ID 83202

PERMIT NO. 27-7057, 27-7058

We are in receipt of the \$30 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 37320.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
OCTOBER 31, 1985

138437

FMC CORPORATION
P.O. BOX 4111
POCATELLO, ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 27-7057

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

September 3, 1980

FMC Corporation
P.O. Box 4111
Pocatello Idaho 83201

RE: Permit No's 27-7057 & 27-7058

Dear Sir's

Enclosed is a copy of the approved requests for extension of time. The time within which to submit the statement of beneficial use is extended to January 1, 1986.

Also enclosed is receipt No. 16000 in the amount of \$15.00.

Sincerely,

Rita Fleck

Sr. Secretary

MICROFILMED

FMC Corporation

Industrial Chemical Division
Box 4111
Pocatello Idaho 83201
(208) 232 6420

RECEIVED

AUG 28 1980

Department of Water Resources

FMC

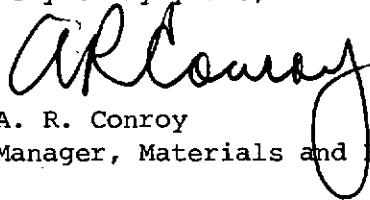
August 21, 1980

Mr. Jim Johnson
Water Distribution Supervisor
Idaho Department of Water Resources
Statehouse
Boise, ID 83720

Dear Mr. Johnson:

Thank you for your letter of August 15 advising us of the filing fee necessary for each "Request for Extension of Time". Please find attached our resubmitted requests under permit numbers 27-7057 and 27-7058 accompanied by our check for thirty dollars (\$30.00).

Very truly yours,



A. R. Conroy
Manager, Materials and Energy

pa

Attachment

MICROFILMED


FMC Corporation

Industrial Chemical Division
Box 4111
Pocatello Idaho 83201
(208) 232 6420

27-7057-58

FMC

July 8, 1980

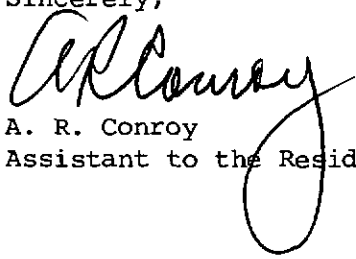
Mr. John Carlsen
Eastern Region Office
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Carlsen:

Enclosed find "Request for Extension of Time" forms pursuant to submittal of proof of beneficial use of water from two FMC wells located in Dry Valley, Caribou County, Idaho. Our state permit numbers for these wells are 27-7057 and 27-7058.

I will be happy to supply any additional information that you may require concerning these requests for additional time.

Sincerely,


A. R. Conroy
Assistant to the Resident Manager

pa

cc: FHHerbert
WGHoskins-Denver

RECEIVED

JUL 9 1980

Department of Water Resources
Eastern District Office

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

May 30, 1980

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MICROFILMED

FMC Corporation

Natural Resources Department
609 West Maple
Pocatello Idaho 83201
(208) 233 1911

RECEIVED

MAY 9 1977

Department of Water Resources

May 2, 1977

FMC

27-7057

Mr. Bobby D. Fleenor
Chief, Water Rights
Department of Water Resources
Statehouse Boise, Idaho 83720

DIRECTOR	
DEPUTY DIR.	
RESO. ADMIN.	
RESO. ANALYSIS	
OPER. BUREAU	
TECH. SER. BUR.	
PROJ. STUD. BUR.	
LEGAL	
FISCAL	
PERSONNEL	
FILES	

Dear Sir:

Enclosed are the well drillers reports for two wells in Dry Valley, Caribou County, Idaho. The drilling of these wells was done under the approval of permits 27-7057 and 27-7058.

Sincerely,

Robert Whittemore

Robert Whittemore
Project Geologist

rh

Enclosure

MICROFILMED

State of Idaho
Department of Water Administration

MAY 9 1977

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

Department of Water Resources

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

January 22, 1976

Re: Permit Nos. 27-7057
27-7058

FMC Corporation
609 West Maple
Pocatello, ID 83201

Gentlemen:

Enclosed are copies of your approved Applications for Permit Nos. 27-7057 and 27-7058. We direct your attention to the condition of approval as listed on the fourth page of each permit.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

En c.

December 19, 1975

RE: Applications for Permit Nos. 27-7057
27-7058

The 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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-05-1976 by rne

RDC:ME

Legal Notices (2)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that FMC Corporation, Pocatello, Idaho has on 12-18-75 submitted Application No. 27-7057 for a permit to appropriate 2.00 cubic feet per second of water from a ground-water source by means of well, pump and pipeline within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 44E, B.M. Caribou County; to be used from Jan. 1 to Dec. 31 for mining and processing purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 8S, R. 44E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 12, 1976.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on December 25, 1975 and January 1, 1976.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that FMC Corporation,
Pocatello, Idaho

has on 12-18-75 submitted Application No. 27-7057
for a permit to appropriate 2.00 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from a ground-water source
by means of well, pump and pipeline
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 7S, R. 44E, B.M. Caribou County;

to be used from Jan. 1 to Dec. 31
for mining and processing purposes

within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8, T. 8S, R. 44E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 12, 1976.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho

on December 26³⁵, 1975 and January 2, 1976.

CW-L
CW-A

me-11

December 19, 1975

RE: Applications for Permit Nos. 27-7057, 27-7058

FMC Corporation
Natural Resources Department
609 West Maple
Pocatello, Idaho 83201

ATTENTION: Attorney A.R. Conroy

Dear Mr. Conroy:

Attached herewith is Departmental receipt No. 15537 in the amount of \$70.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

RECEIVED

DEC 18 1975

Department of Water Resources
Eastern District Office

December 16, 1975

FMC Corporation
Natural Resources Department
609 West Maple
Pocatello, Idaho 83201

DEC 17 1975
F M C
MINERAL DEVELOPMENT
DEPARTMENT

*Applications
returned
12-16-75*

ATTENTION: Attorney A.R. Conroy

Dear Mr. Conroy,

Enclosed please find your check No. 1-23 in the amount of \$70.00 for the two applications that were returned to your office yesterday.

In order for our office to start the processing of your applications, we must have both the check covering the statutory filing fee and the applications, together. If you have any further questions, please feel free to contact our office.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

100-100000-100000



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

IDAHO FALLS, IDAHO 83401

December 15, 1975

RECEIVED

DEC 17 1975

Department of Water Resources
Eastern District Office

RECEIVED

DEC 16 1975

F M C
MINERAL DEVELOPMENT
DEPARTMENT

FMC Corporation
Natural Resources Department
609 West Maple
Pocatello, Idaho 83201

ATTENTION: Attorney A. R. Conroy

Dear Mr. Conroy:

We received two applications for permit December 8, 1975 for two wells you will need in your new mining and processing operation, without the filing fee of \$70.00 (\$35.00 for each permit.)

On December 9, 1975, you telephoned and stated you discovered the fee was omitted, but that you would see it was in the outgoing mail. To date we have not received the fee. Therefore, we are required to return your applications for permit.

Please return the applications with the statutory filing fee of \$35.00 each and we will be happy to begin commencing the processing of your applications.

If you have any questions, please contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosures

*Mr. Johnson,
Check sent 12-15-75.
I requested check from
accounting but didn't realize
it should have been immediate.
Sorry for the delay and any
inconvenience to you.
Joan Rodriguez*

December 15, 1975

FMC Corporation
Natural Resources Department
609 West Maple
Pocatello, Idaho 83201

ATTENTION: ~~Attorney~~ A. R. Conroy

Dear Mr. Conroy:

We received two applications for permit December 8, 1975 for two wells you will need in your new mining and processing operation, without the filing fee of \$70.00 (\$35.00 for each permit.)

On December 9, 1975, you telephoned and stated you discovered the fee was omitted, but that you would see it was in the outgoing mail. To date we have not received the fee. Therefore, we are required to return your applications for permit.

Please return the applications with the statutory filing fee of \$35.00 each and we will be happy to begin commencing the processing of your applications.

If you have any questions, please contact me.

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:cw

Enclosures

FMC Corporation

Natural Resources Department
609 West Maple
Pocatello Idaho 83201
(208) 233 1911

December 5, 1975

FMC

RECEIVED
DEC 8 1975

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attn: Mr. Loy Johnson

Enclosed are two Application for Permits. If
you have any questions concerning these applications,
please contact me.

Sincerely,

A. R. Conroy jr

A. R. Conroy
Manager

jr

Enclosures (2)

December 16, 1975

FMC Corporation
Natural Resources Department
609 West Maple
Pocatello, Idaho 83201

ATTENTION: Attorney A.R. Conroy

Dear Mr. Conroy,

Enclosed please find your check No. 1-23 in the amount of \$70.00 for the two applications that were returned to your office yesterday.

In order for our office to start the processing of your applications, we must have both the check covering the statutory filing fee and the applications, together. If you have any further questions, please feel free to contact our office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

Attachment

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

FMC Corp.

Item Initial Date

Application No. _____

- ☒ 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 ~~Across Irrigated~~
☒ Map
☒ Signature
☒ Fee

(1) Jay 12/18/75

In form to receipt yes

(2) " "

Send Copies to:

NA Idaho State Health Department
NA Idaho Fish and Game Department
NA Bureau of Land Management

(3) " "

NA Request Special Use Permit from U.S.F.S.
NA Request Easement from B.L.M.
Request Information from Applicant

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. AA-98-BB48

(6) " "

Located within Water District No. N.A.

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels: No obs well in this Area
Declining, Stable, Increasing

(comment) _____

(9) " "

Other rights on the same place of use None

(10) " "

Comments: No known conflicting water rights

(11) me 1-5-76

Affidavit of Publication received(date) 1-05-1976

(12) me 1-12-76

Final date for protests January 12, 1976
Protests received: yes no ☒

(13) LH 1-12-76

All requested information received from agencies or applicant: yes NA no no

(14) " "

Action recommended:

☒ Approve

RECEIVED

JAN 17 1976 Deny

12-18-75 Proposed Priority

Department of Water Resources

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By Loren O'Halloran Date 1-12-76

RECEIVED

copy sent 1-22-76