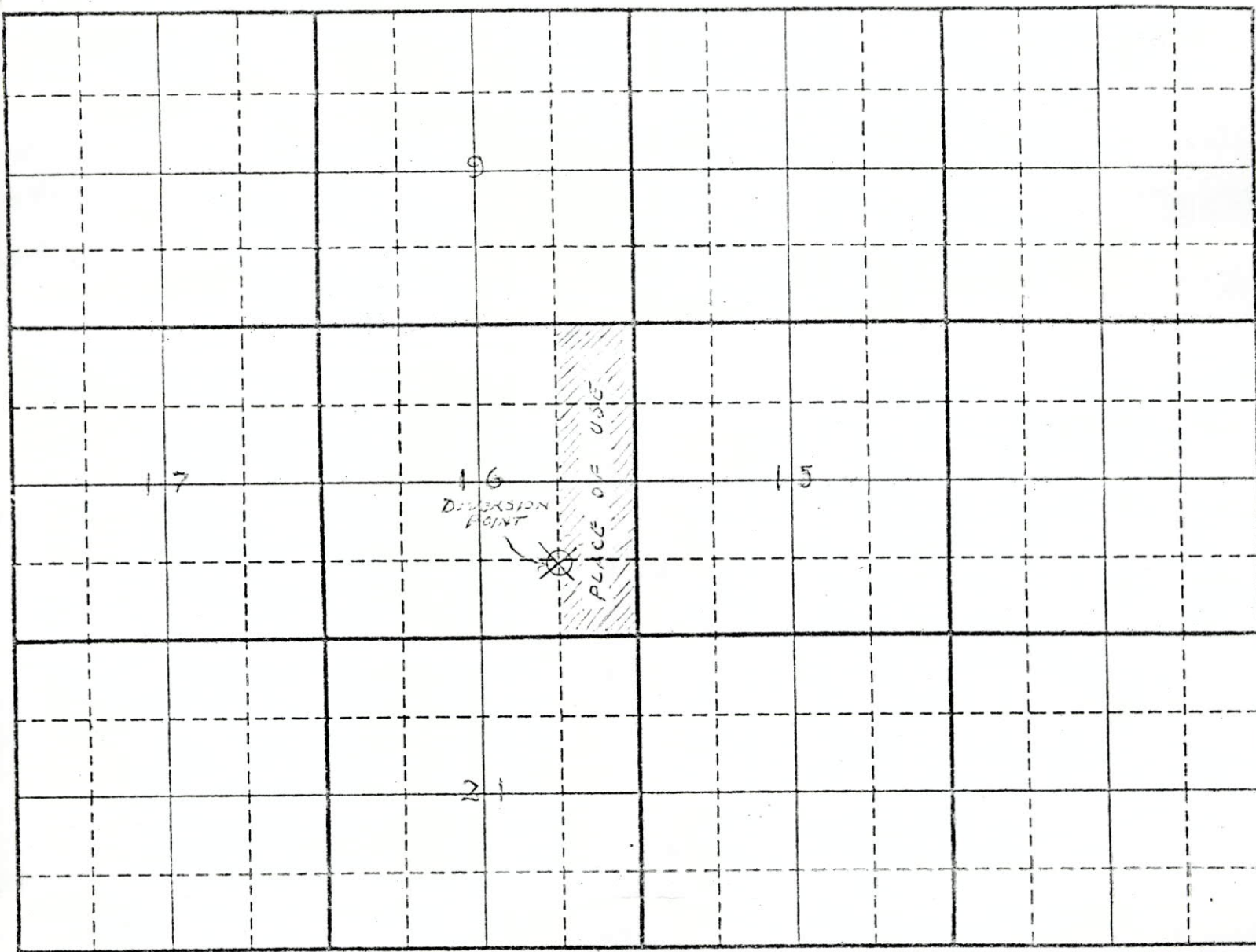




Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Commonwealth of Pennsylvania)
~~State of Idaho~~) ss.
 County of Philadelphia)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

By: W. A. McMinn
 W. A. McMinn, (Claimant) Vice President

Sworn to before me this 5th day of March, 1981.

Joan S. Abrams

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 circula-
tion 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 sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

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

26th day of

March, 1981

The date of the last publication

being the 2nd day of

April, 1981

Subscribed and sworn to be-

fore me this 3rd day

of April, 1981

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

My Commission expires the
1st day of March

1984.

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claim(s) to water
right(s) have been established by
diversion and application to
beneficial use:

27-4063

FMC CORPORATION
P.O. BOX 4111, POCA-
TELLO, ID 83201

Source: UPPER DRY
VALLEY CREEK tributary to
BLACKFOOT RIVER

Priority Date: 07-01-1950

Amount: 0.30 CFS

Diversion Point: SESE Sec 16
T 08S R 44E, CARIBOU Co.

Use: STOCKWATER (0.30
CFS) from 06-01 to 10-01

Place of Use: NENE SENE
NESE SESE Sec 16 T 08S R 44E

Diversion Means: POND.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published March 26 and April
2, 1981 in the Caribou County
Sun.

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APR 9 1981

Department of Water Resources
Eastern District Office

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DC 5/2000
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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 29-02255c
Adjudication Claim No(s): A27-04063, A27-07057, A27-07058, A27-02050, A27-02053, A27-02162, A29-02255c
A. 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
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
Date you acquired the property 4-12-00

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MAY 3 - 2000

Department of Water Resources

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, or wish IDWR to correspond with him or her for all matters related to your claims.

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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.

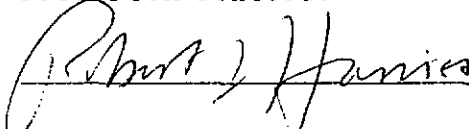
WARRANTY DEED - 1

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MICROFILMED MAY 8 - 2000
APR 26 2001 Department of Water Resources

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.

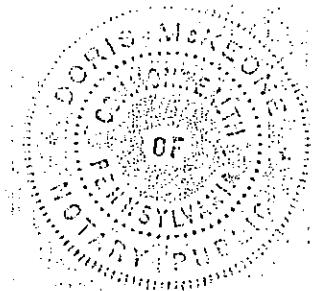


Notary Public

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

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MAY 8 - 2000

Department of Water Resources

WARRANTY DEED - 2

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APR 26 2001

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EXHIBIT A

MAY 8 - 2000

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Department of Water Resources

APR 21 2000

PARCEL 1

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 Title
 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 Daniel Handley

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Deputy 106

APR 26 2001

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APR 21 2000

Department of Water Resources
PARCEL 2

Department of Water Resources
Eastern Region

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.

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PARCEL 3

MAY 8 - 2000

APR 21 2000

Department of Water Resources
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 on a 1358.81 foot radius non-tangent curve concave to the Northwest whose Center bears North 81° 12' 49" West;
 Thence Southwesterly along said curve through a central angle of 06° 04' 19", a distance of 144.00 feet to the point of tangency, (chord bears South 11° 49' 20" West 143.93 feet);
 Thence South 14° 51' 30" West 597.00 feet to a 5/8" 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;

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APR 26 2001

Thence South 00° 02' 02" East 2267.13 feet to the East quarter corner of said Section 16;
Thence South 00° 02' 02" East 2640.74 feet to the Southeast corner of said Section 16;
Thence South 89° 47' 00" 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.

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MAY 8 - '00

Department of Water Resources

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APR 21 2000

Department of Water Resources
Eastern Region

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APR 26 2001

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 $\frac{1}{4}$

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MAY 8 - 2000

Department of Water Resources

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Department of Water Resources
Eastern Region

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APR 26 2001

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MAY 8 - 2000

20005744

3-1 Department of Water Resources

Payson Bannock Counties - Wells Cargo Silica Mine

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APR 21 2000

Department of Water Resources
Eastern Region

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 part in Power County and part in Bannock 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 but not limited to water right number 29-02255c,

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

APR 26 2001

3-2

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

RECEIVED

MAY 8 - 2000

Department of Water Resources

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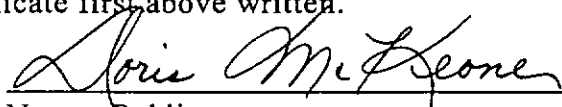
STATE OF PENNSYLVANIA)

: 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.

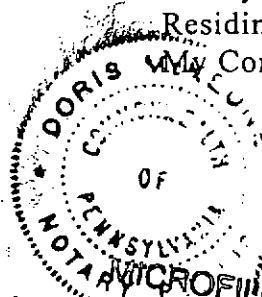
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public

Residing at: _____

My Commission Expires: _____



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

WARRANTY DEED - 2

APR 26 2001

NOTARY SEAL

20005744

A parcel of land located in the SE ¼ of the SW ¼ of Section 6, and in Section 7, and in U.S. Government Lots 1, 2 and 3 in Section 18, all in T 7 S, R 34 E, Boise Meridian, Power County, Idaho; and also located in the West ½ of Section 8, T 7 S, R 34 E, Boise Meridian, Bannock County, Idaho; said parcel being more particularly described as follows:

Section 6 - SE¼ SW¼ and;

Section 7 - All of Section 7 and;

Section 8 - NW¼ SW¼ NW ¼, S½ S½ NW ¼, N½ SW¼, NW¼ SW¼ SW¼ and;

Section 18 - U.S. Government Lots 1, 2 and 3, All in T 7 S, R 34 E, Boise Meridian, Idaho.

Said parcel containing 919.14 Acres, more or less.

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APR 21 2000

Department of Water Resources
Eastern Region

174945

INSTRUMENT #	
TIME	1:44 P.M.
REQ. OF	Alliance
APR 13 2000	
POWER COUNTY AND FALLS	
CHRISTINE STEINBUCH	
BY	<i>[Signature]</i>
DEPUTY	pd #9

NO 20005744
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2000 APR 13 PM 12 04
OFFICIAL RECORD BOOK NO 757
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE 900 DEPUTY \$

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MAY 8 - 2000

Department of Water Resources

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APR 26 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that FMC Corporation

(Name of Claimant)

P.O. Box 4111, Pocatello, Idaho 83201

(Mailing Address)

Telephone No. 232-6420

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 1, 1950

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc.; or ground water)

Upper Dry Valley Creek

tributary to Blackfoot River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.3 cfs.</u>	Use	<u>stock watering</u>	Period of Use From	<u>June 1</u> To <u>Oct. 1</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u> To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u> To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u> To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From	<u> </u> To <u> </u>

(4)	0.3 cfs.	TOTAL QUANTITY USED.
-----	----------	----------------------

{cfs, qpd, AFA}

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 16 Twp. 8 S. Rge. 44 E. B.M., County of Caribou

Additional points of diversion: none

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Outlet flow from artificial pond in SE4 of above section

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 160

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

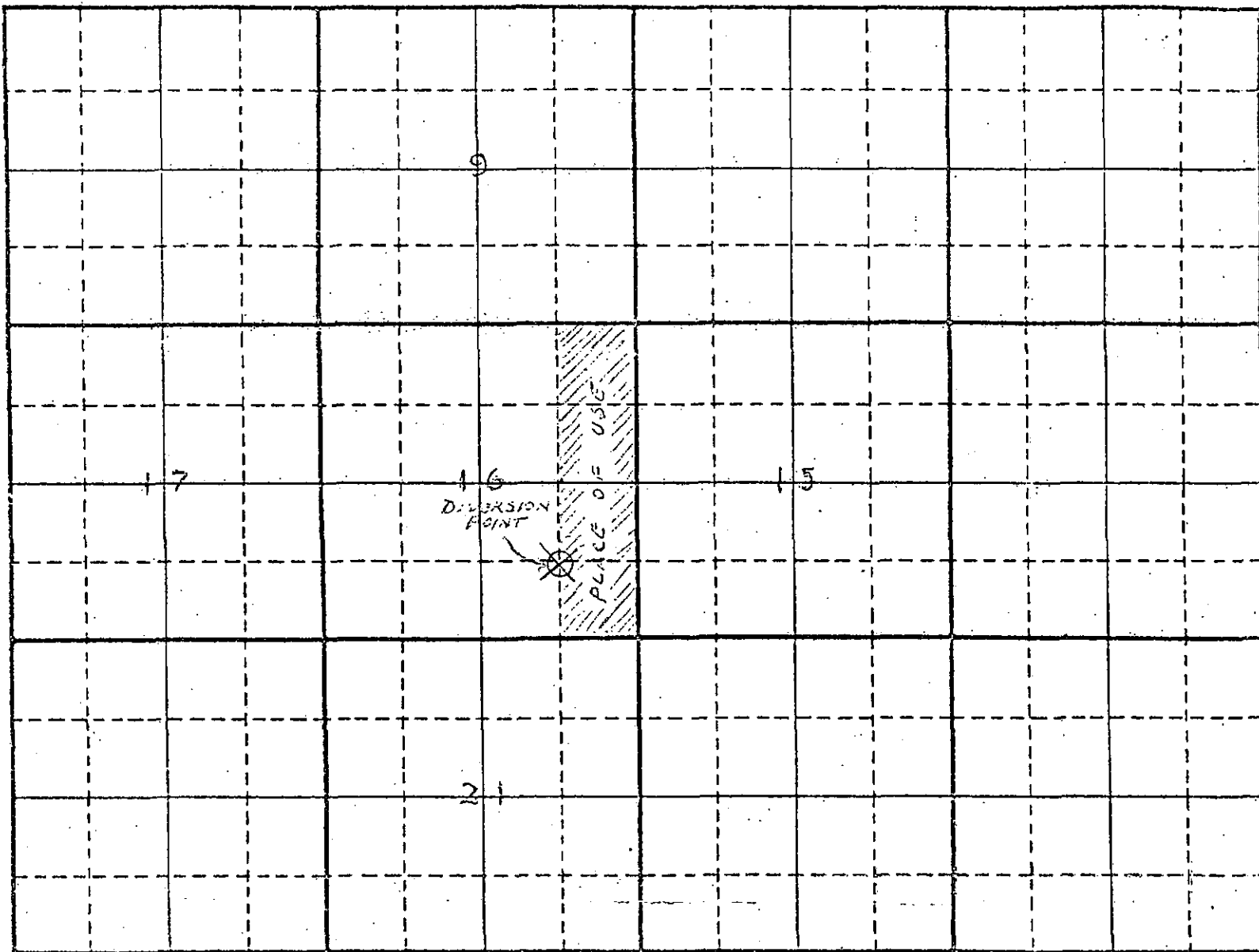
To water stock grazing upon the E2E2 of Section 16-8S-44E, owned by the claimant.

NOTE: Include here the type and number of stock watered: 100 pair or head of cattle

(7) If you are claiming water as a member of an organization, list name of organization: Not applicable

RECEIVED
(7)

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

~~Commonwealth of Pennsylvania~~
~~State of Idaho~~)
County of Philadelphia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

FMC CORPORATION

By: W. A. McMinn
W. A. McMinn, (Claimant) Vice President
19 81.



My Commission expires March 14, 1983

Joan S. Abrams
Notary Public
Residing at Parkside, Penna.
JOAN S. ABRAMS
Notary Public, Phila., Phila. Co.
My Commission Expires March 14, 1983

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>JK</u>	Date <u>3-13-81</u>		claimant by: _____	
\$30.00 fee received by <u>CU</u>	Date <u>3-12-81</u>			
Published in <u>Chinaco Sun</u> #17092				
Dates <u>3/6 & 4/02/81</u>				

AFFIDAVIT

STATE OF IDAHO)
) ss.
COUNTY OF CARIBOU)

Edwin M. Smith, being first duly sworn, on his oath, deposes and says that:

1. He is a long time resident of Caribou County, Idaho, currently living at 431 East Hooper Street in Soda Springs in that County.

2. He was engaged in the construction business for many years in the Soda Springs area.

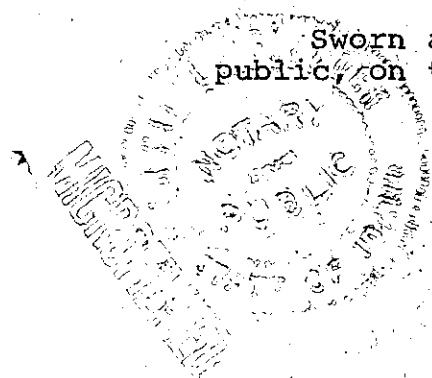
3. He was acquainted with Victor Bollar, now deceased, who owned and operated a cattle ranch in the Dry Valley area of Caribou County.

4. In about 1950, he excavated and constructed a pond on the Bollar ranch at the request of Victor Bollar. This pond was dug in the SE4 of Section 16, Township 8 South, Range 44 East, Boise Meridian, to impound the waters of the upper portion of Dry Valley Creek flowing northerly down the Valley from Lonetree Spring and other sources to be used for watering Bollar's cattle grazed upon that Section then owned and leased by him. The pond was located just east of the old Young ranch house and the overflow from the pond drained to the east onto the E2E2 of Section 16.

Edwin M. Smith
Edwin M. Smith

Sworn and subscribed to before me, the undersigned notary public, on this 5th day of ~~January~~ ^{February}, 1981.

David Hancock
Notary Public



AFFIDAVIT

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

Doris E. Bollar, being first duly sworn, on her oath, deposes and says that:

1. She is the widow of Victor E. Bollar, and with him, owned the title to the E2E2 of Section 16, T. 8 S., R. 44 E., B.M., in Caribou County, Idaho, which title they conveyed to the FMC Corporation by a deed recorded as Instrument No. 101768 in the Microfilm Records of Caribou County on August 31, 1979. Since that time they have leased this land for grazing purposes from the FMC Corporation.

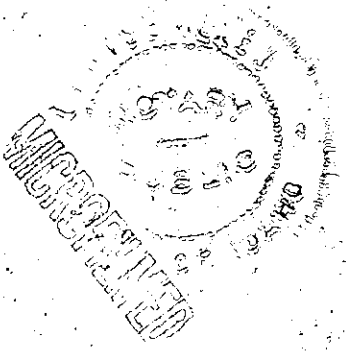
2. She and her husband operated a cattle ranch on that and adjacent land for many years, grazing, during the season, their cattle on the E2E2 of the section referred to above.

3. Those cattle were watered by the waters from a pond located in the SE4 of Section 16, each year from 1950 when Victor Bollar caused the pond to be constructed until the present time. From the time this water was initially appropriated in 1950, it has been used by the affiant and her husband without interruption.

Doris E. Bollar
Doris E. Bollar

SWORN AND SUBSCRIBED to before me, the undersigned notary public, on this 4th day of February, 1981.

Louise Allen
Notary Public



AFFIDAVIT

STATE OF IDAHO)
) ss.
COUNTY OF BANNOCK.)

The undersigned, being first duly sworn, on his oath, deposes and says that:

1. He is a licensed Idaho attorney, practicing law in Pocatello, Bannock County, Idaho, having some familiarity with the titles to real property.

2. He has examined an Abstract of Title to the E2E2 of Section 16, Township 8 South, Range 44 East, Caribou County, Idaho, prepared by the Caribou County Abstract Company under its No. 923.

3. This Abstract shows an unbroken and unencumbered chain of title from Patent in 1923 to October 31, 1947. On December 1, 1947, this title was conveyed to Victor Bollar by two deeds recorded that day at page 538 in Book 11 of the Deed Records of Caribou County.

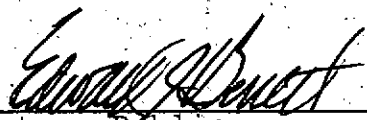
4. On August 31, 1979, a deed was recorded from Victor E. Bollar and Doris E. Bollar, husband and wife, to the FMC Corporation, as Instrument No. 101768 in the Microfilm Records of Caribou County, Idaho. The title, so conveyed, was insured by a policy of title insurance issued by the Caribou Title Company under its order No. 7341.

5. Other than the exception of water rights vested and accrued at the date of the patent and the reservation of a right of way for ditches or canals constructed by the United States of America

in the patent, there is no mention of nor reference to, any water rights in the Abstract of Title and there is no specific exception as to water rights in Schedule B of the policy of title insurance.


William W. Becker

SWORN AND SUBSCRIBED to before me, the undersigned notary public, on this 12th day of March, 1981.


Notary Public





Copyright 1970 American Land Title Association
ALTA Single Form Policy-1970 with
ALTA Indorsement-Form 1 coverage

SAFECO

POLICY OF TITLE INSURANCE

Issued from the office of

CARIBOU TITLE COMPANY

160 SOUTH MAIN STREET P. O. BOX 915
SODA SPRINGS, IDAHO 83276

(208) 547-4321
**SAFECO TITLE INSURANCE COMPANY
OF IDAHO**

9-13-79

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, SAFECO TITLE INSURANCE COMPANY OF IDAHO, an Idaho corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested otherwise than as stated therein;
2. Any defect in or lien or encumbrance on such title;
3. Lack of a right of access to and from the land; or
4. Unmarketability of such title;

and in addition, if a mortgage is referred to in Schedule A as the insured mortgage, by reason of:

5. The invalidity or unenforceability of the lien of the insured mortgage upon said estate or interest except to the extent that such invalidity or unenforceability, or claim thereof, arises out of the transaction evidenced by the insured mortgage and is based upon
 - a. usury, or
 - b. any consumer credit protection or truth in lending law;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Any statutory lien for labor or material which now has gained or hereafter may gain priority over the lien of the insured mortgage, except any such lien arising from an improvement on the land contracted for and commenced subsequent to Date of Policy not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment, shown in Schedule A, of the insured mortgage or the failure of said assignment to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

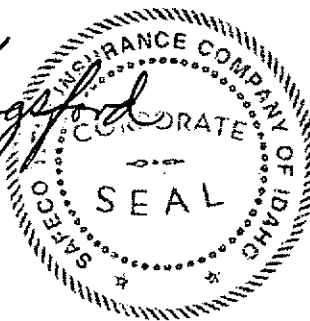
In Witness Whereof, SAFECO Title Insurance Company of Idaho has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of Date of Policy shown in Schedule A.

SAFECO TITLE INSURANCE COMPANY
OF IDAHO

COUNTERSIGNED:
CARIBOU TITLE COMPANY

By:

Leonard O. Fingford



W H Little

President

Joseph C. Harrison

Secretary

SCHEDULE A (Owners-Purchasers-Lessee)

Order No. 7341

Amount of Insurance: \$ 52,240.00

Date of Policy: August 31, 1979 at
5:00 o'clock P.M.

1. Name of Insured:

FMC CORPORATION, a Delaware Corporation.

2. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple.

3. The estate or interest referred to herein is at Date of Policy vested in:

FMC Corporation, a Delaware Corporation.

4. The land referred to in this policy is described as follows:

Caribou County, Idaho:

Township 8 South, Range 44 East of the Boise Meridian:

Section 16: ~~E₂E₂~~, EXCEPT THEREFROM, Beginning at the Northeast corner of Section 16, and running
thence West 252 feet along the section line to a point on a
5°34' curve in a Southeasterly direction;
thence 473 feet along the curve in a Southeasterly direction
to a point on the East section line of Section 16;
thence North along the section line 370 feet, more or less,
to the point of beginning.

SCHEDULE B (Standard)

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of persons in possession or claiming to be in possession, easements, liens or encumbrances including material or labor liens, which are not shown by the public records; reservations in patents or state grants; or in acts authorizing the issuance thereof; mineral rights, water rights, claims or title to minerals or water.
2. Questions of location, boundary and areas; overlaps and encroachments by improvements belonging to these or adjoining premises; all dependent upon actual survey for determination.
3. Assessments which are not shown as existing liens by the public records; taxes not yet payable; pending proceedings for vacating, opening or changing streets or highways preceding entry of the final ordinance or order therefor.
4. General taxes for 1979 are now an accruing lien but are not yet due nor payable.
5. Oil and Gas Lease executed by Victor Bollar and Doris Bollar, husband and wife, to The Taurus Corporation, dated February 14, 1976, recorded March 2, 1976, under recorder's instrument No. 85781, in the microfilm records of Caribou County, Idaho; and corrected by instrument No. 91471, recorded May 5, 1977, and assigned to Cities Service Company by instrument No. 90042 recorded January 7, 1977, in the microfilm records of Caribou County, Idaho.
6. Reservation of all minerals and mineral rights, disclosed by Deed executed by Victor E. Bollar and Doris E. Bollar, husband and wife, to FMC Corporation, a Delaware Corporation, dated August 28, 1979, recorded August 31, 1979, under recorder's instrument No. 101768 in the microfilm records of Caribou County, Idaho.

End of Schedule B.

MICROFILMED

CONDITIONS AND STIPULATIONS (Continued and Concluded From Reverse Side of Policy Face)

(c) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured hereunder shall secure to the Company the right to so prosecute or provide defense in such action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such insured for such purpose. Whenever requested by the Company, such insured shall give the Company all reasonable aid in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses, or prosecuting or defending such action or proceeding, and the Company shall reimburse such insured for any expense so incurred.

4. NOTICE OF LOSS—LIMITATION OF ACTION

In addition to the notices required under paragraph 3(b) of these Conditions and Stipulations, a statement in writing of any loss or damage, for which it is claimed the Company is liable under this policy, shall be furnished to the Company within 90 days after such loss or damage shall have been determined and no right of action shall accrue to an insured claimant until 30 days after such statement shall have been furnished. Failure to furnish such statement of loss or damage shall terminate any liability of the Company under this policy as to such loss or damage.

5. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS

The Company shall have the option to pay or otherwise settle for or in the name of an insured claimant any claim insured against or to terminate all liability and obligations of the Company hereunder by paying or tendering payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred up to the time of such payment or tender of payment, by the insured claimant and authorized by the Company. In case loss or damage is claimed under this policy by the owner of the indebtedness secured by the insured mortgage the Company shall have the further option to purchase such indebtedness for the amount owing thereon together with all costs, attorneys' fees and expenses which the Company is obligated hereunder to pay. If the Company offers to purchase said indebtedness as herein provided, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage and any collateral securing the same to the Company upon payment therefor as herein provided.

6. DETERMINATION AND PAYMENT OF LOSS

(a) The liability of the Company under this policy shall in no case exceed the least of: (i) the actual loss of the insured claimant; or (ii) the amount of insurance stated in Schedule A, or, if applicable, the amount of insurance as defined in paragraph 2(a) hereof; or (iii) if this policy insures the owner of the indebtedness secured by the insured mortgage, the amount of the indebtedness secured by the insured mortgage as determined under paragraph 8 hereof, at the time the loss or damage insured against hereunder occurs, together with interest thereon.

(b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon an insured in litigation carried on by the Company for such insured, and all costs, attorneys' fees and expenses in litigation carried on by such insured with the written authorization of the Company.

(c) When liability has been definitely fixed in accordance with the conditions of this policy, the loss or damage shall be payable within 30 days thereafter.

7. LIMITATION OF LIABILITY

No claim shall arise or be maintainable under this policy (a) if the Company, after having received notice of an alleged defect, lien or encumbrance insured against hereunder, by litigation or otherwise, removes such defect, lien or encumbrance or establishes the title, or the lien of the insured mortgage, as insured, within a reasonable time after receipt of such notice; (b) in the event of litigation until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title or to the lien of the insured mortgage, as insured, as provided in paragraph 3 hereof; or (c) for liability voluntarily assumed by an insured in settling any claim or suit without prior written consent of the Company.

8. REDUCTION OF LIABILITY

(a) All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto; provided, however, if the owner of the indebtedness secured by the insured mortgage is an insured hereunder, then such payments, prior to the acquisition of title to said estate or interest as provided in paragraph 2(a) of these Conditions and Stipulations, shall not reduce pro tanto the amount of the insurance afforded hereunder as to any such insured, except to the extent that such payments reduce the amount of the indebtedness secured by such mortgage.

Payment in full by any person or voluntary satisfaction or release of the insured mortgage shall terminate all liability of the Company to an insured owner of the indebtedness secured by the insured mortgage, except as provided in paragraph 2(a) hereof.

(b) The liability of the Company shall not be increased by additional principal indebtedness created subsequent to Date of Policy, except as to amounts advanced

to protect the lien of the insured mortgage and secured thereby.

No payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

9. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy, as to the insured owner of the estate or interest covered by this policy, shall be reduced by any amount the Company may pay under any policy insuring either (a) a mortgage shown or referred to in Schedule B hereof which is a lien on the estate or interest covered by this policy, or (b) a mortgage hereafter executed by an insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy. The Company shall have the option to apply to the payment of any such mortgages any amount that otherwise would be payable hereunder to the insured owner of the estate or interest covered by this policy and the amount so paid shall be deemed a payment under this policy to said insured owner.

The provisions of this paragraph 9 shall not apply to an owner of the indebtedness secured by the insured mortgage, unless such insured acquires title to said estate or interest in satisfaction of said indebtedness or any part thereof, and then only as to payments under any policy insuring any mortgage thereafter executed by such insured and which is a charge or lien on the estate or interest described in Schedule A.

10. APPORTIONMENT

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of said parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto. The provisions of this paragraph shall not apply if this policy is issued to the owner of the indebtedness secured by the insured mortgage.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant, except that the owner of the indebtedness secured by the insured mortgage may release or substitute the personal liability of any debtor or guarantor, or extend or otherwise modify the terms of payment, or release a portion of the estate or interest from the lien of the insured mortgage, or release any collateral security for the indebtedness, provided such act occurs prior to receipt by the insured of notice of any claim of title or interest adverse to the title to the estate or interest or the priority of the lien of the insured mortgage and does not result in any loss of priority of the lien of the insured mortgage. The Company shall be subrogated to and be entitled to all rights and remedies which such insured claimant would have had against any person or property in respect to such claim had this policy not been issued, and if requested by the Company, such insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation and shall permit the Company to use the name of such insured claimant in any transaction or litigation involving such rights or remedies. If the payment does not cover the loss of such insured claimant, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss, but such subrogation shall be in subordination to the insured mortgage. If loss of priority should result from any act of such insured claimant, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impairment of the right of subrogation.

12. LIABILITY LIMITED TO THIS POLICY

This instrument together with all endorsements and other instruments, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company.

Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the lien of the insured mortgage or of the title to the estate or interest covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this policy.

No amendment of or endorsement to this policy can be made except by writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. NOTICES, WHERE SENT

All notices required to be given to the Company and any statement in writing required to be furnished the Company shall be addressed to it at the office which issued this policy or to its Home Office, 300 North 6th Street, Boise, Idaho 83701.

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 circula-
tion 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 sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

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

26th day of
March, 1981

The date of the last publication

being the 2nd day of
April, 1981

Subscribed and sworn to be-

fore me this 3rd day
of April, 1981

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

My Commission expires the
1st day of March

1984

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claim(s) to water
right(s) have been established by
diversion and application to
beneficial use:

27-4063

FMC CORPORATION
P.O. BOX 4171, POCA-
TELLO, ID 83201

Source: UPPER DRY
VALLEY CREEK tributary to
BLACKFOOT RIVER

Priority Date: 07-01-1950

Amount: 0.30 CFS

Diversion Point: SESE Sec 16
T 08S R 44E, CARIBOU Co.

Use: STOCKWATER (0.30
CFS) from 06-01 to 10-01

Place of Use: NENE SENE
NESE SESE Sec 16 T 08S R 44E

Diversion Means: POND.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published March 26 and April
2, 1981 in the Caribou County
Sun.

RECEIVED

APR 9 1981

Department of Water Resources
Eastern District Office

RECEIVED

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

27-4063

**FMC CORPORATION
P.O. BOX 4111, POCA-
TELLO, ID 83201**

**Source: UPPER DRY
VALLEY CREEK tributary to
BLACKFOOT RIVER**

Priority Date: 07-01-1950

Amount: 0.30 CFS

**Diversion Point: SESE Sec 16
T 08S R 44E, CARIBOU Co.**

**Use: STOCKWATER (0.30
CFS) from 06-01 to 10-01**

**Place of Use: NENE SENE
NESE SESE Sec 16 T 08S R 44E**

Diversion Means: POND.

**Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 150 Shoup
Ave., Idaho Falls, Idaho 83401.**

C. STEPHEN ALLRED

Director

**Published March 26 and April
2, 1981 in the Caribou County
Sun.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 12, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ASTARIS PRODUCTION LLC
10300 OLIVE BLVD
ST LOUIS MO 63166

RE: Change of Ownership for Water Right 27-4063

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

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 this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

APR 26 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 2, 2000

RECEIVED

MAY 8 - 2000

Department of Water Resources

LINDA B JONES
HOLLAND & HART LLP
PO BOX 2527
BOISE ID 83701-2527

RE: WATER RIGHT OWNERSHIP CHANGE FOR FMC - ASTARIS

Dear Ms. Jones:

Our office received the above referenced request on April 21, 2000 and have processed it as follows:

Adjudication claims A29-02301, A29-02255E, A29-02284, and A29-11342 have been processed and are in the name of **Astaris Idaho LLC**. Enclosed are copies for your files.

Adjudication claims A27-02050 and A27-02053 have been processed and are in the name of **FMC, NuWest DBA Agrium, and Astaris Production LLC**. Enclosed are copies for your files.

Adjudication claim A29-02255C has been processed and is in the name of **FMC and Astaris Production LLC**. Enclosed is a copy for your files.

27-04063 and 27-02162 are domestic and stockwater rights that have been partially decreed by the Snake River Basin Adjudication court. Our state headquarters in Boise, Idaho processes these documents. I will forward a copy of your request to them.

27-07057 and 27-07058 are licensed water rights (not adjudication claims) and are also processed at our state office. Again, I will forward your request to them.

MICROFILMED

APR 26 2001

If you have questions about the domestic and stockwater rights or the licensed water rights, please contact IDWR, Allocations Bureau in Boise, at (208) 327-7900. If you have questions about the other claims, please contact Senior Water Right Agent Dave Carlson in our office at (208) 525-7161.

Sincerely,



Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: Gary Resh, Astaris Production LLC
Rob Hartman, Astaris Idaho LLC

MICROFILMED
APR 26 2001

DELOG DC
H&H

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

LINDA B. JONES
ljones@hollandhart.com

April 18, 2000

RECEIVED

MAY 8 - 2000

Department of Water Resources

Ms. Jennifer Crabtree
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED

APR 21 2000

Department of Water Resources
Eastern Region

Re: Change in Ownership of Water Rights

Dear Ms. Crabtree:

Enclosed on behalf of Astaris Production LLC and Astaris Idaho LLC are executed Notices of Change in Water Right Ownership forms and copies of the recorded Special Warranty Deeds conveying title to the respective companies. These transfers are part of a joint venture between FMC Corporation and Solutia, Inc., pursuant to which FMC has transferred its phosphate production assets in Southeastern Idaho to the two Astaris companies. Astaris Production LLC now owns FMC's Dry Valley Mine and Silica Mine properties, and Astaris Idaho LLC now owns FMC's Pocatello phosphate processing plant.

The Pocatello plant and Silica Mine properties are located in Power and Bannock Counties. The Silica Mine water right (A29-02255c) was recently transferred to the Silica Mine from property owned by FMC and located near the Pocatello Plant. We refer you to that recent file for more details and a map of the place of diversion and use of this water right. The Pocatello plant uses most of its water for industrial and not irrigation purposes. We attach a recent profile of these water rights. A recent survey of the Pocatello plant property is of record in Power and Bannock Counties (Instrument No. 20003575, Bannock County, and Instrument No. 174692 for Power County, seven sheets). We will send you copies of the surveys at your request.

We filed with the Department about a year ago a map of the Dry Valley Mine irrigated property (located in Caribou County) and points of diversion and use. This was in connection with the acquisition of certain property by FMC and Agrium from the Holmgren-Anderson partnership. The points of diversion and

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APR 26 2001

Ms. Jennifer Crabtree
April 19, 2000
Page 2

use of those water rights remain the same. Water rights not used for irrigation or stockwater (Nos. 27-07057 and 27-07058) are used for mining purposes. A survey of the Dry Valley Mine property is of record in Caribou County (Instrument No. 161069 - 5 sheets). The map in your file showing the Holmgren/Anderson water rights provides more information about place of diversion and use of these water rights than would the survey. We will provide you with a copy of the survey at your request. We attach copies of recent profiles of these water rights.

Please let me know if you require further information in order to transfer these water rights of record with the Department and the SRBA Court.

Sincerely,

HOLLAND & HART LLP


Linda B. Jones

LBJ:cd
Enclosures

cc: Gary Resh
Rob Hartman
Cedric Jones
Mike Ugarte
Steve Drapekin
Marissa Byram
Julie Stenger
(all w/encls.)

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MAY 8 - 2000

Department of Water Resources

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APR 21 2000

Department of Water Resources
Eastern Region

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APR 26 2001

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

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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 • BARDEP

TELECOPIERS

(215) 972-3864

(215) 568-1137

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

250 AVENUE LOUISE
1050 BRUSSELS, BELGIUM
(02) 647 85 65

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

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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

Lee W. Stokes
Administrator
Div. of Environment
Dept. of Health & Welfare
Towers Bldg.
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

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

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

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

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

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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;

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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

Lynn K. Jennings
Legal Assistant to
William R. Herman

LKJ/dm

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APR 01 1988

Rm.

FMC CORP.

INTER-DEPARTMENT MEMO — 1

FROM

Glen

DATE

1-15-88

TO

1. Dave H. ^{water storage or} - No-MTIS. sediment dams
2. John B. ^{Noting that we have}
3. Gary S.

SUBJECT

- Plz advise me of approvals, permits, etc we may have issued in conn w/ FMC's operation. We recently did this exercise in conn. w/ Monticanto.

- need to check water st permits, water storage approvals, MTIS approvals, inf wells, geo wells. etc., SCA.

- Plz return.

27-4063, 27-7057, 27-7058

SIGNATURE

WATER RIGHT NUMBER 27-4063

OWNER LAST NAME - FMC CORPORATION

FIRST NAME -

ORIG OWNER -

ADDRESS LINE 1 - P.O. BOX 4111

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - POCA TELLO

STATE - ID ZIP CODE - 83201

SOURCE - UPPER DRY VALLEY CREEK

TRIBUTARY OF - BLACKFOOT RIVER

STAGE - STATRY CLM

STATUS -

PRIORITY - 07-01-1950

COUNTY - CARIBOU

TOTAL DIV. RATE -

.3000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESE 16 08S 44E LOT

REDIV -

FROM - 06-01 TO - 10-01 USE - STOCKWATER

USE DIV. RATE -

.3000

CFS

USE DIV. VOLUME -

.00 AFA

USE - STOCKWATER

PLACE OF USE - TWN 08S RNG 44E SEC 16

TRACT NENE LOT

AC

TRACT

SENE LOT

AC

TRACT NESE LOT

AC

TRACT

SESE LOT

AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NON IRRIG USE - S/100 RANGE.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - POND.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 27 4063 Applicant FMC Corp.

NOTE: 27-4063 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- 4/13

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date April 14, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Hansen Date 4/16/81

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3/79

IDENT. NO.

27 4063

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

APRIL 15, 1981

FMC CORPORATION
P.O. BOX 4111
POCATELLO

ID 83201

RE: Claim No. 27-4063

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files, and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 3/26 & 4/02/81.

Idaho Department of Water Resources
Idaho Falls, Idaho 83401
3/26/81

22-4063-

FMC CORPORATION

P.O. BOX 4111, POCATELLO, ID 83201

Source: UPPER DRY VALLEY CREEK tributary to BLACKFOOT RIVER

Priority Date: 07/01/1950

Amount: 0.30 CFS

Diversion Point: SESE Sec 16 T 08S R 44E, CARIBOU Co.

Use: STOCKWATER (0.30 CFS) from 05/01 to 10/01

Place of Use: NENE SENE NESE SESE Sec 16 T 08S R 44E

Diversion Means: POND.

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