Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4887

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED
AUG 12 1996
Department of Water Resources

PART 1

Name of applicant Monsanto Chemical, Detergents & Phosphates Division c/o Gordon Aland Phone 547-3391 #~~295~~ 245

Post Office address PO BOX 816, Soda Springs, ID 83276

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use (11-00471 only)
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Add a point of diversion to water rights to facilitate irrigation. To correct legal description of the point of diversion (11-2106), and to correct place of use (11-0471) to actual place of use.

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		
11-00457	02/10/1881	0.10	IRRIGATION	04/20	to	09/30
11-00471	02/10/1881	0.02	IRRIGATION	04/20		09/30
11-~~00001~~00499	05/01/1881	0.60	IRRIGATION	04/20		09/30
11-00531B	05/01/1892	3.90	IRRIGATION	04/20		09/30
11-00448	06/01/1909	0.30	IRRIGATION	04/20		09/30
11-00449	05/01/1910	0.20	IRRIGATION	04/20		09/30
11-02106	10/11/1952	2.00	IRRIGATION	-		-

2. Total amount of water being transferred 7.12 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Soda Creek/wastewater tributary to Bear River/Soda Creek
4. Point(s) of Diversion: See attachment "A" for Point of Diversion for specific rights

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	
		NW	NE	36	8S	41E	"	
		NE	SW	6	9S	42E	"	New Diversion Point – Pump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					37	32	30	39	39	25							202
							L3	L4	L5			L6							
~~11-00471~~			~~Acres are within acreage of NESW as described above~~																
~~9S~~	~~42E~~	~~6~~								~~1.25~~									--

Total acres 202
Permissible Place of Use

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system diversion dams,headgate & ditches

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:
None. Adding the Point of Diversion will assist in irrigation and the change in the place of use will reflect actual place of use.

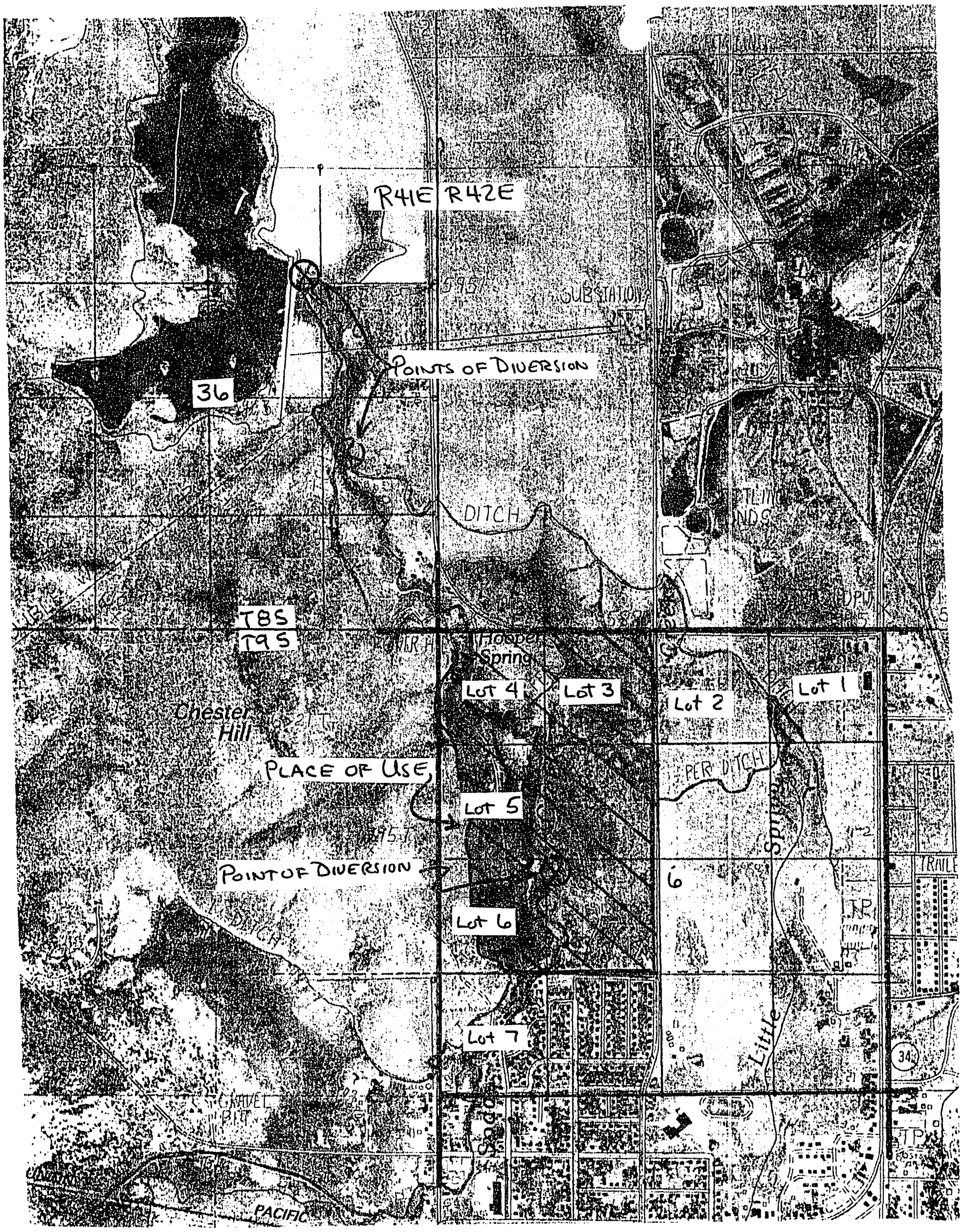
d. Remarks:

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____.


R41E
R42E
36
Points of Diversion
DITCH
T8S
T9S
Hooper Spring
Lot 4
Lot 3
Lot 2
Lot 1
Chester Hill
PLACE OF USE
Lot 5
Lot 6
Lot 7
POINT OF DIVERSION
DITCH
GRAVEL PIT
PACIFIC
Little
SUBSTATION
PER DITCH
TRAILE
34

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      In case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 11-02106 _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water wastewater tributary to Soda Creek
4. Date or priority 10-11-1952
5. Water is used for the following purpose:
   amount 2.0 cfs (cfs/ac-ft) for irrigation purposes from not specified to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4		NW	NW	6	9S	42E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							40	27	30	40	40	25							202

Total acres 202

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B
   00001(00499)/00449

Page _____ of _____ **PART 2** Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00449 Decreed to William Chester
   In case of Utah Power & Light Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 788 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 5-1-1910
5. Water is used for the following purpose:
   amount 0.20 (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 0.20 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							I	I	I	I	I	I							200

Total acres 200

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B
   00001(00499)/02106

Page _____ of _____ **PART 2** Transfer No. _____

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

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. 11-00471 Decreed to Ellis Kackley

   in case of Utah Power & Light Co. vs. Last Chance Canal Co.

   dated 7-14-1920 in _____ county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Soda Creek tributary to Bear River

4. Date or priority 2-10-1881

5. Water is used for the following purpose:

   amount 0.02 cfs (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30

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

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

6. Total amount of water under right 0.02 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use: Aka lot 8 block 37 village of Soda Springs

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	7								I									1.25

Total acres 1.25

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

Page _____ of _____ **PART 2** Transfer No. _____

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

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00448 Decreed to Ellis Kackley
   in case of Utah Power & LIght Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 6-1-1909
5. Water is used for the following purpose:
   amount 0.30 (cfs/ac-ft) for irrigation purposes from 4-20- to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6										14							14
												L6							

Total acres 14

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B

00001(00499)/00449/02106

Page _____ of _____.

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. 11-00531B Decreed to Enoch & Thorger Johnson

   in case of Utah Power & Light Co. vs. Last Chance Canal Co.

   dated 7-14-1920 in _____ county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. 471 which produced this right.

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

   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Soda Creek tributary to Bear River

4. Date or priority 5-1-1892

5. Water is used for the following purpose:

   amount 3.9 cfs for irrigation purposes from 4-20-- to 9-30
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)

6. Total amount of water under right 3.9 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
09S	42E	6					L3	L4	L5			L6							
							I	I	I	I	I	I							

Total acres _____

9. Describe any other water rights used for the same purpose as described above 11-00457 /00448/ 00001
(00499) / 00449 / 02106

Page _____ of _____ **PART 2** Transfer No. _____

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. 11-00457 Decreed to Landi C. Eastman

   in case of Utah Power & Light Co. vs. Last Chance Canal Co.

   dated 7-14-1920 in _____ county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. 788 which produced this right.

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

   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Soda Creek tributary to Bear River

4. Date or priority 2-10-1881

5. Water is used for the following purpose:

   amount 0.10 cfs (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30

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

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

6. Total amount of water under right 0.10 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	LAU Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6								I	I								5

Total acres 5

9. Describe any other water rights used for the same purpose as described above 11-00001 (11-00499)

11-00448 / 0531B / 00449 / 02106

Page _____ of _____ **PART 2** Transfer No. _____

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: (aka 11-00001)
   a. Decree No. 11-00499 Decreed to T.H. Horsley
      In case of Utah Power & Light Co. vs. Last Chance Canal Co.
      dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 1596 (for 11-00001) which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 5-1-1881
5. Water is used for the following purpose:
   amount 0.60 cfs (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 0.60 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	36	08S	41E	Caribou	
		NE	SE	36	08S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
09S	42E	06					40	40	40	40	40	40							240
							L-3	L-4	L-5			L-6							

Total acres 240

9. Describe any other water rights used for the same purpose as described above 11-00457 / 00448 / 00531B
00499 / 02106

PART 2

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

ATTACHMENT "A"

POINT OF DIVERSION:		WATER RIGHT NUMBERS:		
T08S, R41E				
SEC 36				
	NW NE	11-00448	11-00499	
	NE SE	11-00457	11-00471	11-00499
		11-00531B	11-00448	11-00449
		11-02106		
T09S, R42E				
SEC 6				
	NE SW	11-00457	11-00471	11-00499
		11-00531B	11-00448	11-00449
		11-02106		

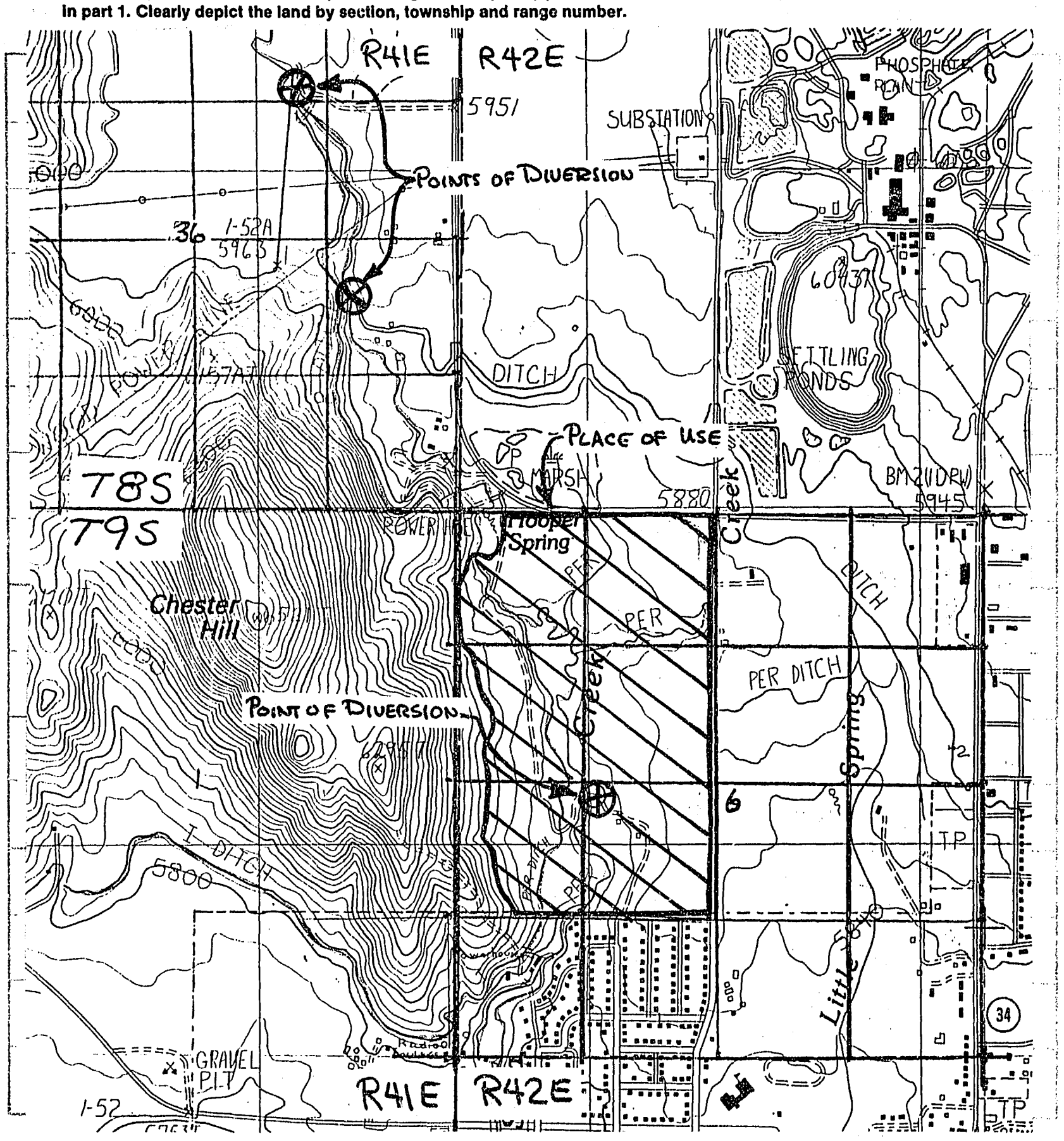
Page _____ of _____ Transfer No. _____

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.



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

Page _____ of _____ Transfer No. _____

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.

/s/ Gordon C. Adams
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of January, 19 92.

/s/ Holly Erdman
(Notary Public)

My commission expires 2-21-92

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by CW Date 1-14-92 Protest filed by _____

Prelim. check by _____ Fee $50.00 _____

Receipted by KCW (ASSISTED BY) Date 14 Jan 92 # E016852 _____

Published in Caribou County Star Copies of protest forwarded by _____

Pub. dates 2-6 & 13-92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

CONSENT
TO
APPLICATION FOR TRANSFER OF WATER RIGHT

The undersigned, the holder of a mortgage of real estate described in a mortgage filed with the Recorder of Caribou County, Idaho on April 24, 1991, as Document No. 141344, does hereby consent to the Application for Transfer of Water Rights as shown on the Application attached hereto.

Lois Kackley
Lois Kackley

STATE OF IDAHO)
(
COUNTY OF ADA)

On this 8th day of January, in the year 1992, before me the undersigned, a notary public in and for said county and state, personally appeared Lois Kackley, a married woman dealing with her sole and separate property, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Raoul Allen
Notary Public

Residence and P. O. Address
Box 848
Boise, Idaho

My commission expires:
10-15-97

RAOUL ALLEN NOTARY PUBLIC STATE OF IDAHO

RECEIVED
JAN 14 1992
Department of Water Resources
Eastern District Office

Water Right No.	Priority	Rate (gpm) C.F.S.	Area of use	Pt of Div	Alt Pt of Div
11-00457	02/10/1881	.01 (4.49) *1 0.099 cfs = 0.10	SE¼NW¼ NE¼SW¼ 5 ac Sec 6 9S 42E	NE SE S 36 8S 41E	NE SW Sec 6 9S 42E
11-00471	02/10/1881	.02 (8.98)	SE¼NW¼ Sec 7 9S 42E 1.25 a change to 6	NE SE 36 8S 41E	NE SW 6 9S 42E
11-00001 (aka 11-00499)	05/01/1881	.60 (269.3)	Sec 6 9S 42E (202 a)	NE SE 36 8S 41E NW NE 36 8S 41E	NE SW 6 9S 42E
11-00531B	05/01/1892	3.9 (1750.44)	NE NW NE SW NW NW NW SW SW NW NW SW SE NW Sec 6 9S 42E (202)	NE SE 36 8S 41E	NE SW 6 9S 42E
11-00448	06/01/1909	.3 (134.65)	NW SW 6 9S 42E 14 a	NE SE 36 8S 41E	NE SW 6 9S 42E NW NE 36 8S 41E
11-00449	05/01/1910	.2 (89.77)	NE NW NE SW NW NW NW SW SW NW NW SE NW 6 9S 42E	NE SE 36 8S 41E	NE SW 6 9S 42E
11-02106	10/11/1952	2.0 (897.66)	NE NW NE SW NW NW NW SW SW NW NW SE NW 6 9S 42E	NW NW 6 9S 42E ↑ change to Sec 36 NE SE	NE SW 6 9S 42E → add ↑

NE SE Sec 36 R41E

Look for Transfer allow the to be taken fm P/D but H_2O discharged into ck. in Sec 6 R42E NW NW Lot 4 (from Field Exam)

Wants to add these P/D

*1 is .01 cfs - should be .10 cfs

~~0.099 c.f.s~~

Gordon Aland

Monsanto

MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIVISION
Soda Springs Plant
Post Office Box 816
Soda Springs, Idaho 83276
(208) 547-3391

Gordon A. Aland
Senior Mine Specialist
Govt. Relations

Ext 295

RECEIVED
JUN 2 8 1991

6.24.91

CARIBOU LAND TITLE INC.,

Caribou Title
P.O. Box 608
241 South Main, #3
Soda Springs, Idaho 83276

1-208-547-4321

— Original to Nancy Billingsley for the CKC file.

JUN 21 1991

June 5, 1991

/ XC for RBC
- XC for C. ACAND.

Mr. Roy G. Cooper
Monsanto Company
800 N. Lingbergh Boulevard
St. louis, Missouri 63167

Re: Kackley-Monsanto
Order No. 11279

Dear Mr. Cooper:

Enclosed herewith are the following documents concerning the above cited matter:

Certified copy of Warranty Nos. 137614 and 141343
Certified copy of Quitclaim Deed Nos. 137613 and 141342
Copy of Mortgage No. 137612 and 141344

Thanks for all your help in this matter.

Very truly yours,

CARIBOU TITLE

By: Kendra Moore

KM
encl

141342

STATE OF IDAHO
County of Caribou

Date: May 13, 1991
Time: 3:30 P.M.
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Ruth Avery
Fee: $18.00
CT

QUITCLAIM DEED

For Value Received

EVAN M. KACKLEY, husband of Lois Kackley,

does HE hereby convey, release, remise and forever quit claim unto

MONSANTO COMPANY, a Delaware corporation, 800 N. Lindbergh Boulevard, St. Louis, Missouri 63167

the following described premises, to-wit:

Those certain tracts or parcels of real estate described in Exhibit A attached hereto and made a part hereof TOGETHER WITH all buildings and improvements thereon and all rights, including water rights, easements, privileges and appurtenances thereto belonging or appertaining, including but not limited to all gas, oil, geothermal and mineral rights and those water rights and easements set forth specifically in Appendix C attached hereto and incorporated by reference as if set forth fully.

This Quitclaim Deed is re-recorded to add Water Right No. Reclamation Certificate No. 471 which was erroneously left off.

Evan M Kackley DATED: May 9 / 1991

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

I, Ruth Avery, Clerk Auditor and Recorder of Caribou County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Quitclaim Deed as the same appears on Microfilm in my office

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this office at Soda Springs, Idaho this 10th day of May 91.

Ruth Avery
Clerk, Auditor & Recorder, Caribou County, Idaho.

together with their appurtenances.

Dated: October 12, 1989

Evan M. Kackley
EVAN M. KACKLEY

STATE OF IDAHO, COUNTY OF CARIBOU
On this 12th day of October, 1989, before me, a notary public in and for said State, personally appeared Evan M. Kackley

known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that executed the same.

Kena Ann Moore
Notary Public
Residing at Soda Springs, Idaho
Commission Expires August 15, 1991. 11/23/93

KENA ANN MOORE NOTARY PUBLIC STATE OF IDAHO

STATE OF IDAHO, COUNTY OF CARIBOU
I hereby certify that this instrument was filed for record at the request of Caribou Title
at 30 minutes past 12:00 o'clock P.m., this 12th day of October 1989, in my office, and duly recorded in Microfilm Records.

Myrna W. Archibald
Ex-Officio Recorder

By _____ Deputy.

Fees $ 15.00
Mail to:

INSTRUMENT No. 137813

EXHIBIT "A"

Caribou County, Idaho:

Township 9 South, Range 41 East of the Boise Meridian:

Section 1: Lots 1 and 2, SE¼NE¼, NE¼SE¼.

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

Section 6: Lots 3, 4, 5, and 6, SE¼NW¼, NE¼SW¼, EXCEPT THEREFROM the following described two tracts:

1. Beginning at a point on the South boundary of the NE¼SW¼ of said Section 6, 316 feet East of the Southwest corner of said NE¼SW¼, said point of beginning is on the extended West line of Second East Street and 100 feet North of the Northeast corner of Lot 16 of Lover's Delight Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under recorder's instrument No. 31035, and running
thence North 30 feet; thence West 135 feet;
thence South 30 feet; thence East 135 feet,
to the point of beginning.

2. Beginning at a point on a fence line on the West side of a hydroelectric power plant diversion canal for Soda Springs City, called the Feeney Ditch, said point being North 31°26'32" East 1643.95 feet from the Southwest corner of said Section 6, and running
thence Northerly along the West side of said ditch and the West side of Soda Creek through the following 43 courses:
thence North 13°19'26" West 35.727 feet;
thence North 31°06'26" West 62.457 feet;
thence North 17°30'16" West 48.516 feet;
thence North 0°53'56" East 43.818 feet;
thence North 20°37'29" East 89.416 feet;
thence North 7°10'05" East 75.188 feet;
thence North 15°05'22" East 113.638 feet;
thence North 20°48'41" East 99.585 feet;
thence North 21°17'18" East 57.130 feet;
thence North 51°06'59" East 41.072 feet;
thence North 86°27'00" East 56.782 feet;
thence North 48°42'39" East 26.779 feet;
thence North 15°48'53" East 29.311 feet;
thence North 4°17'03" West 104.345 feet;
thence North 35°39'38" West 74.546 feet;
thence North 15°44'25" East 38.717 feet;
thence North 59°49'51" East 39.418 feet;
thence North 4°09'38" East 95.954 feet;
thence North 8°40'26" West 61.980 feet;
thence North 21°58'28" West 50.618 feet;
thence North 12°45'42" West 63.222 feet;
thence North 42°26'30" East 33.824 feet;
thence South 84°52'56" East 42.025 feet;
thence North 59°17'26" East 30.011 feet;
thence North 20°35'17" East 60.713 feet;
thence North 9°16'23" West 69.973 feet;
thence North 27°10'29" West 137.201 feet;
thence North 25°09'05" West 111.388 feet;
thence North 35°21'37" West 149.842 feet;
thence North 19°47'40" West 68.129 feet;
thence North 2°48'00" East 78.494 feet;
thence North 25°38'06" East 140.616 feet;
thence North 1°54'56" West 64.073 feet;
thence North 10°38'25" West 53.671 feet;
thence North 0°18'22" East 88.561 feet;
thence North 47°10'09" West 78.897 feet;
thence North 43°10'11" West 59.379 feet;
thence North 26°35'45" West 153.022 feet;
thence North 18°03'30" West 186.528 feet;
thence North 17°27'10" West 146.095 feet;
thence North 1°47'04" West 106.375 feet;
thence North 18°32'19" West 75.045 feet;

thence North 61°23'47" West 128.858 feet;
thence North 23°41'40" East 78.316 feet across Soda Creek;
thence Southerly along the East of Soda Creek and "Feeney Ditch" through the following 38 courses:
thence South 66°06'24" East 94.330 feet;
thence South 23°58'59" West 50.037 feet;
thence South 66°06'42" East 74.050 feet;
thence South 22°40'14" East 80.690 feet;
thence South 1°02'21" East 114.400 feet;
thence South 17°41'12" East 161.210 feet;
thence South 16°27'50" East 150.470 feet;
thence South 29°08'23" East 166.010 feet;
thence South 56°13'49" East 42.870 feet;
thence North 63°39'35" East 64.490 feet;
thence South 26°20'25" East 60.000 feet;
thence South 63°39'35" West 30.000 feet;
thence South 1°10'58" East 278.680 feet;
thence South 22°33'17" West 149.730 feet;
thence South 1°59'22" East 46.470 feet;
thence South 31°30'51" East 170.880 feet;
thence South 28°39'06" East 148.800 feet;
thence South 24°55'33" East 164.380 feet;
thence South 2°40'36" West 78.000 feet;
thence South 25°07'52" West 74.540 feet;
thence South 80°00'11" East 50.000 feet;
thence South 10°00'00" West 50.000 feet;
thence North 80°00'00" West 77.610 feet;
thence South 4°03'10" West 86.300 feet;
thence South 13°30'53" East 90.390 feet;
thence South 21°29'49" West 111.140 feet;
thence South 11°27'46" East 59.850 feet;
thence South 5°54'53" East 123.360 feet;
thence South 26°15'49" West 33.600 feet;
thence South 47°02'44" West 55.570 feet;
thence South 73°30'37" West 51.810 feet;
thence South 39°35'50" West 41.680 feet;
thence South 21°11'11" West 126.080 feet;
thence South 14°40'26" West 109.440 feet;
thence South 7°45'02" West 96.180 feet;
thence South 18°11'45" West 72.300 feet;
thence South 23°34'28" East 168.590 feet;
thence North 87°16'09" West 70.283 feet,
to the point of beginning.

EXHIBIT C

SCHEDULE OF WATER RIGHTS AND EASTMENTS TRANSFERRED

FROM KACKLEY TO MONSANTO

WATER RIGHTS:

1. Water Right No.: 11-00448

   Quantity: .30 cfs

   Priority Date: 6/1/1909

   Source: Soda Creek

   Comments: Original right decreed to Ellis Kackley, at entry number 142 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

2. Water Right No.: 11-00449

   Quantity: .20 cfs

   Priority Date: 5/1/1910

   Source: Soda Creek

   Comments: Original right decreed to Wm. Chester at entry number 143 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

3. Water Right No.: 11-0457

   Quantity: .10 cfs ✓

   Priority Date: 2/10/1881

   Source: Soda Creek

Comments: Original right decreed to Landi C. Eastman at entry number 151 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

00499

4. Water Right No.: 11-0001, Transfer No. 1596

   Quantity: .60 cfs

   Priority Date: May 1, 1881

   Source: Soda Creek

   Comments: Original right decreed to T.H. Horsley at entry number 193 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

5. Water Right No.: 11-0471

   Quantity: .10 .02 cfs

   Priority Date: February 10, 1881

   Source: Soda Creek

   Comments: Original right decreed to Ellis Kackley at entry number 166 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

6. Water Right No.: 11-02106

   Quantity: 2.0 cfs

   Priority Date: October 11, 1952

   Source: Waste water

   Comments: Waste water from Monsanto Chemical Company wells.

Comments: Waste water from Monsanto Chemical Company wells.

7. **Water Right No.:** Reclamation Certificate No. T#471 #11-0531B

Quantity: 3.90 cfs

Priority Date: May 1, 1892

Source: Soda Creek

Comments: Originally decreed by supplemental decree dated June 18, 1926 in the case of Farmer's Land and Irrigation Company v. Enoch, Johnson and Thorger Johnson, 39 Idaho 255, 228 P.311, subsequently conveyed to Ellis Kackley as confirmed in the case of In Re Department of Reclamation, 50 Idaho 573, 300 P.492. Caribou County Recorder's Instrument Nos. 11559, 11560, 110824.

EASEMENTS:

Easement and canal or ditch rights on that certain ditch known as the "Town Ditch" or "Lau Ditch" crossing the Southwest Quarter of the Southwest Quarter of Section 31 Township 8 South Range 42 East B.M. Caribou County, Idaho recorded December 4, 1957, Book 40 of Deeds, Caribou County Recorder's Instrument No. 40256.

Order NO. 11279

STATE OF IDAHO
County of Caribou

14.343

Date: May 13, 1991
Time: 3:30 P. M.
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Ruth Avery
Fee: $2.00

Warranty Deed

THIS INDENTURE, *Made this* 12th *day of* October *in the year of our Lord One Thousand Nine Hundred and* Eighty Nine *, between*

LOIS KACKLEY, married woman, dealing with her sole and separate property,
of Boise *, County of* Ada *, State of* Idaho,
the party of the first part, and
MONSANTO COMPANY, a Delaware corporation,
of St. Louis *, County of* St. Louis *, State of* Missouri,
the party of the second part:

WITNESSETH: *That the said party of the first part, for and in consideration of the sum of*

TEN AND NO/100 - DOLLARS,
lawful money of the United States of America, to her *in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged*
she *, do* es *by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to* its successors *and assigns forever: All that certain lot , piece or parcel of land situate, lying and being in the County of* Caribou *State of Idaho, bounded and more particularly described as follows, to-wit:*

Those certain tracts or parcels of real estate described in Exhibit A attached hereto and made a part hereof TOGETHER WITH all buildings and improvements thereon and all rights, including water rights, easements, privileges and appurtenances thereto belonging or appertaining, including but not limited to all gas, oil, geothermal and mineral rights and those water rights and easements set forth specifically in Appendix C attached hereto and incorporated by reference as if set forth fully.

ALSO SUBJECT TO the matters set forth in the instrument described in Exhibit B, attached hereto and by reference made a part hereof.

This Warranty Deed is re-recorded to add Water Right No. Reclamation Certificate No. 471, which was erroneously left off.

Lois Kackley

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

Dated: May 9, 1991

I, Ruth Avery, Clerk, Auditor and Recorder of Caribou County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Warranty Deed as the same appears on Microfilm in my office

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this office at Soda Springs, Idaho, this 6th day of May 1991

Ruth Avery
Clerk, Auditor & Recorder, Caribou County, Idaho.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, *all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to* its successors *and assigns forever. And the said party of the first part, and* her heirs *the said premises in the quiet and peaceable possession of the said party of the second part* its successors *and assigns against the said party of the first part, and* her heirs *and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.*

IN WITNESS WHEREOF, *The said party of the first part has hereunto set* her *hand and seal the day and year first above written.*

Signed, Sealed and Delivered in the Presence of

Lois Kackley [Seal]
LOIS KACKLEY

[Seal]

[Seal]

[Seal]

141343

STATE OF IDAHO, } ss.
County of Caribou

On this 12th day of October in the year 19 89, before me the undersigned a Notary Public in and for said County and State, personally appeared LOIS KACKLEY, married woman, dealing with her sole and separate property, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

LEILA ANN MOORE NOTARY PUBLIC STATE OF IDAHO

Leila Ann Moore
Notary Public.

Residence and P. O. Address Soda Springs, Idaho.

My commission expires: 11/23/93

137614
WARRANTY DEED

Lois Kackley, mrd woman, dealing with her sole and separate property.

TO

Monsanto Company, a Delaware Corp.
800 N Lindbergh Blvd.
St. Louis, Missouri 63167

Dated _____, 19__

STATE OF IDAHO, } ss.
County of Caribou

I hereby certify that this instrument was filed for record at the request of

Caribou Title

at 2:30 minutes past 12 o'clock P. M., this 12 day of October, A. D. 19 89 in the microfilm records of Caribou County, Idaho.

Myrtle W. Robertson
Ex-Officio Recorder.

By _____ Deputy.

Fee, $ 4.00

GEO. PRIMES & SONS, INC., POCATELLO, IDAHO

141343

EXHIBIT "A"

Caribou County, Idaho:

Township 9 South, Range 41 East of the Boise Meridian:

Section 1: Lots 1 and 2, SE¼NE¼, NE¼SE¼.

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

Section 6: Lots 3, 4, 5, and 6, SE¼NW¼, NE¼SW¼, EXCEPT THEREFROM the following described two tracts:

1. Beginning at a point on the South boundary of the NE¼SW¼ of said Section 6, 316 feet East of the Southwest corner of said NE¼SW¼, said point of beginning is on the extended West line of Second East Street and 100 feet North of the Northeast corner of Lot 16 of Lover's Delight Subdivision, according to the officinl plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under recorder's instrument No. 31035, and running
thence North 30 feet; thence West 135 feet;
thence South 30 feet; thence East 135 feet,
to the point of beginning.

2. Beginning at a point on a fence line on the West side of a hydroelectric power plant diversion canal for Soda Springs City, called the Feeney Ditch, said point being North 31°26'32" East 1643.95 feet from the Southwest corner of said Section 6, and running
thence Northerly along the West side of said ditch and the West side of Soda Creek through the following 43 courses:
thence North 13°19'26" West 35.727 feet;
thence North 31°06'26" West 62.457 feet;
thence North 17°30'16" West 48.516 feet;
thence North 0°53'56" East 43.818 feet;
thence North 20°37'29" East 89.416 feet;
thence North 7°10'05" East 75.188 feet;
thence North 15°05'22" East 113.638 feet;
thence North 20°48'41" East 99.585 feet;
thence North 21°17'18" East 57.130 feet;
thence North 51°06'59" East 41.072 feet;
thence North 86°27'00" East 56.782 feet;
thence North 48°42'39" East 26.779 feet;
thence North 15°48'53" East 29.311 feet;
thence North 4°17'03" West 104.345 feet;
thence North 35°39'38" West 74.546 feet;
thence North 15°44'25" East 38.717 feet;
thence North 59°49'51" East 39.418 feet;
thence North 4°09'38" East 95.954 feet;
thence North 8°40'26" West 61.980 feet;
thence North 21°58'28" West 50.618 feet;
thence North 12°45'42" West 63.222 feet;
thence North 42°26'30" East 33.824 feet;
thence South 84°52'56" East 42.025 feet;
thence North 59°17'26" East 30.011 feet;
thence North 20°35'17" East 60.713 feet;
thence North 9°16'23" West 69.973 feet;
thence North 27°10'29" West 137.201 feet;
thence North 25°09'05" West 111.388 feet;
thence North 35°21'37" West 149.842 feet;
thence North 19°47'40" West 68.129 feet;
thence North 2°48'00" East 78.494 feet;
thence North 25°38'06" East 140.616 feet;
thence North 1°54'56" West 64.073 feet;
thence North 10°38'25" West 53.671 feet;
thence North 0°18'22" East 88.561 feet;
thence North 47°10'09" West 78.897 feet;
thence North 43°10'11" West 59.379 feet;
thence North 26°35'45" West 153.022 feet;
thence North 18°03'30" West 186.528 feet;
thence North 17°27'10" West 146.095 feet;
thence North 1°47'04" West 106.375 feet;
thence North 18°32'19" West 75.045 feet;

thence North 61°23'47" West 128.858 feet;
thence North 23°41'40" East 78.316 feet across Soda Creek;
thence Southerly along the East of Soda Creek and "Feeney Ditch" through the following 38 courses:
thence South 66°06'24" East 94.330 feet;
thence South 23°58'59" West 50.037 feet;
thence South 66°06'42" East 74.050 feet;
thence South 22°40'14" East 80.690 feet;
thence South 1°02'21" East 114.400 feet;
thence South 17°41'12" East 161.210 feet;
thence South 16°27'50" East 150.470 feet;
thence South 29°08'23" East 166.010 feet;
thence South 56°13'49" East 42.870 feet;
thence North 63°39'35" East 64.490 feet;
thence South 26°20'25" East 60.000 feet;
thence South 63°39'35" West 30.000 feet;
thence South 1°10'58" East 278.680 feet;
thence South 22°33'17" West 149.730 feet;
thence South 1°59'22" East 46.470 feet;
thence South 31°30'51" East 170.880 feet;
thence South 28°39'06" East 148.800 feet;
thence South 24°55'33" East 164.380 feet;
thence South 2°40'36" West 78.000 feet;
thence South 25°07'52" West 74.540 feet;
thence South 80°00'11" East 50.000 feet;
thence South 10°00'00" West 50.000 feet;
thence North 80°00'00" West 77.610 feet;
thence South 4°03'10" West 86.300 feet;
thence South 13°30'53" East 90.390 feet;
thence South 21°29'49" West 111.140 feet;
thence South 11°27'46" East 59.850 feet;
thence South 5°54'53" East 123.360 feet;
thence South 26°15'49" West 33.600 feet;
thence South 47°02'44" West 55.570 feet;
thence South 73°30'37" West 51.810 feet;
thence South 39°35'50" West 41.680 feet;
thence South 21°11'11" West 126.080 feet;
thence South 14°40'26" West 109.440 feet;
thence South 7°45'02" West 96.180 feet;
thence South 18°11'45" West 72.300 feet;
thence South 23°34'28" East 168.590 feet;
thence North 87°16'09" West 70.283 feet,
to the point of beginning.

141343

EXHIBIT "B"

1. Right of way granted by Caribou County, a municipal corporation of Caribou County, State of Idaho, to the City of Soda Springs, Idaho, a municipal corporation, by instrument dated June 18, 1936, recorded June 22, 1936, in Book 9 of Deeds, at page 54, under recorder's instrument No. 15619, records of Caribou County, Idaho.

2. Right of way granted by Evan M. Kackley and Lois M. Kackley, his wife, to the State of Idaho, by instrument dated January 31, 1950, recorded April 12, 1950, in Book 13 of Deeds, at page 41, under recorder's instrument No. 26859, records of Caribou County, Idaho.

3. Pipe Line Easement granted by Evan M. Kackley to Monsanto Chemical Company, by instrument dated July 30, 1952, recorded November 1, 1952, in Book 3 of Agreements, at page 442, under recorder's instrument No. 31509, records of Caribou County, Idaho.

4. Burdens imposed by that certain Agreement between Evan M. Kackley and the City of Soda Springs, Caribou County, Idaho, a municipal corporation; dated May 23, 1955, recorded July 15, 1974, under recorder's instrument No. 80302, in the microfilm records of Caribou County, Idaho.

5. The reservation of oil, gas and geothermal rights and nonparticipating royalty in the carbonated water reserved by Ellis N. Kackley in that certain Waiver and Deed of Mineral, Aggregate Rights and Geothermal Rights Resources to Monsanto Company which is dated October 12, 1989.

6. The reservation of oil, gas and geothermal rights and nonparticipating royalty in the carbonated water reserved by Alvin E. Kackley in that certain Waiver and Deed of Mineral, Aggregate Rights and Geothermal Rights Resources to Monsanto Company which is dated October 3, 1989.

7. Burdens imposed by that certain Agreement between the City of Soda Springs, Idaho, a municipal corporation and political subdivision of the State of Idaho, and Loise Kackley, dated October 6, 1987, recorded December 22, 1987, under recorder's instrument No. 133313, in the microfilm records of Caribou County, Idaho.

8. An Agreement with Utah Power & Light Company dated November 23, 1965, to establish a passive reflector station, which document is not recorded but a copy of which has been furnished the Buyer.

9. An Agreement with the City of Soda Springs, dated July 7, 1986, dealing with a right-of-way for a culinary water pipeline recorded July 7, 1986, under recorder's instrument No. 128621, in the microfilm records of Caribou County, Idaho.

EXHIBIT C

SCHEDULE OF WATER RIGHTS AND EASTMENTS TRANSFERRED

FROM KACKLEY TO MONSANTO

WATER RIGHTS:

1. Water Right No.: 11-00448

   Quantity: .30 cfs

   Priority Date: 6/1/1909

   Source: Soda Creek

   Comments: Original right decreed to Ellis Kackley, at entry number 142 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

2. Water Right No.: 11-00449

   Quantity: .20 cfs

   Priority Date: 5/1/1910

   Source: Soda Creek

   Comments: Original right decreed to Wm. Chester at entry number 143 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

3. Water Right No.: 11-0457

   Quantity: .10 cfs

   Priority Date: 2/10/1881

   Source: Soda Creek

Comments: Original right decreed to Landi C. Eastman at entry number 151 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 138, under Caribou County Recorder's Instrument No. 1698. Order granting Transfer No. 788 entered by the State of Idaho Department of Reclamation on March 28, 1952, and recorded as Instrument No. 34432.

4. Water Right No.: 11-~~0001~~ 00499, Transfer No. 1596

Quantity: .60 cfs

Priority Date: May 1, 1881

Source: Soda Creek

Comments: Original right decreed to T.H. Horsley at entry number 193 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

5. Water Right No.: 11-0471

Quantity: ~~.10~~ .02 cfs

Priority Date: February 10, 1881

Source: Soda Creek

Comments: Original right decreed to Ellis Kackley at entry number 166 by Decree entered in the District Court of the United States for the District of Idaho, Eastern Division, in the case of Utah Power and Light Company, Plaintiff v. Last Chance Canal Company, Ltd., et al., Defendants, which Decree is recorded in Book 1 of Deeds, at page 188, under Caribou County Recorder's Instrument No. 1698.

6. Water Right No.: 11-02106

Quantity: 2.0 cfs

Priority Date: October 11, 1952

Source: Waste water

Comments: Waste water from Monsanto Chemical Company wells.

Comments: Waste water from Monsanto Chemical Company wells.

7. **Water Right No.:** Reclamation Certificate No. 471 #11-05315

Quantity: 3.90 cfs

Priority Date: May 1, 1892

Source: Soda Creek

Comments: Originally decreed by supplemental decree dated June 18, 1926 in the case of Farmer's Land and Irrigation Company v. Enoch, Johnson and Thorger Johnson, 39 Idaho 255, 228 P.311, subsequently conveyed to Ellis Kackley as confirmed in the case of In Re Department of Reclamation, 50 Idaho 573, 300 P.492. Caribou County Recorder's Instrument Nos. 11559, 11560, 110824.

EASEMENTS:

Easement and canal or ditch rights on that certain ditch known as the "Town Ditch" or "Lau Ditch" crossing the Southwest Quarter of the Southwest Quarter of Section 31 Township 8 South Range 42 East B.M. Caribou County, Idaho recorded December 4, 1957, Book 40 of Deeds, Caribou County Recorder's Instrument No. 40256.

Date of Priority	Amount in Second Feet	Point of Diversion and Place of Use
Crane-Lallatin-Marriott Canal, diverting from Soda Creek in the Northwest quarter of the Southwest quarter of Section 24, Township 8 South, Range 41 East. The following parties are entitled to divert from said ditch with priorities and in the amounts hereinbelow set forth:		
1 0441		
138. *Chris Lallatin*: 1899—July 6	0.7 c.f.s.	For the irrigation of 35 acres in the West half of the Northeast quarter and the Southeast quarter of Section 25, said Township and Range.
11 0443		
139. *L. S. Marriott*: 1912—May 1	0.5 c.f.s.	For the irrigation of 25 acres in the West half of the Southeast quarter of Section 31, Township 8 South, Range 42 East.
11 0445		
140. *David Giles and Thomas L. Clark*: 1916—February 8	2.2 c.f.s.	For the irrigation of 108 acres in Lots 1 and 2, the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter, Section 31, Township 8 South, Range 42 East, and the Northeast quarter of the Southeast quarter of Section 36, Township 8 South, Range 41 East, B.M.
11 0446		
141. *Chris Lallatin*: (a) 1897—June 1	0.5 c.f.s.	To be diverted from said Soda Creek through a ditch diverting therefrom in the Southwest quarter of the Northeast quarter of Section 25, Township 8 South, Range 41 East, B.M., for the irrigation of 25 acres of land in the West half of the Southeast quarter of said Section 25.
11 0447		
(b) 1916—August 8	25.0 c.f.s.	To be diverted from said Soda Creek in the Northwest quarter of the Northeast quarter, Section 25, Township 8 South, Range 41 East, used for power purposes in conducting a certain slaughter house owned and operated by him, situate in the Southwest quarter of the Southeast quarter of said Section 25, and returned to the channel of Soda Creek in the Southwest quarter of the Southeast quarter of said Section 25.
11 0448		
142. *Ellis Kackley*: 1909—June 1	0.3 c.f.s.	To be diverted from said Soda Creek through a ditch diverting therefrom North of the Feeney ditch in the Northeast quarter of the Southeast quarter of Section 36, Township 8 South, Range 41 East, for the irrigation of 14 acres in the Northwest quarter of the Southwest quarter of Section 6, Township 9 South, Range 42 East.

47

MAY 14 1936

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

MICROFILMED
MAY 1 4 1936

This is a duplicate of ① made of the original because of the poor quality of original from wear & tear. 11-2

~~Original could not be found in this suit file.~~ certified copy

In the District Court of the United States for the District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,
Plaintiff
vs.
THE LAST CHANCE CANAL COMPANY, Limited, et. al.
Defendants.

In Equity No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH, District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS, *Clerk.*

By PEARL ZANGER, *Deputy.*

RECEIVED
MAY 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

This is to certify that: **MONSANTO CHEMICAL**
DETERGENTS & PHOSPHATES DIV
PO BOX 816
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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 11-00448 :			
IRRIGATION	04/15 to 10/15	0.30 CFS	49.0 AF
Priority: 06/01/1909			
Right No. 11-00449 :			
IRRIGATION	04/15 to 10/15	0.20 CFS	72.6 AF
Priority: 05/01/1910			
Right No. 11-00457 :			
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF
Priority: 02/10/1881			
Right No. 11-00499 :			
IRRIGATION	04/15 to 10/15	0.60 CFS	105.0 AF
Priority: 05/01/1881			
Right No. 11-00471 :			
IRRIGATION	04/15 to 10/15	0.02 CFS	4.6 AF
Priority: 02/10/1881			
Right No. 11-00531B :			
IRRIGATION	04/15 to 10/15	3.90 CFS	707.0 AF
Priority: 05/01/1892			
	SUBTOTAL:	* 5.12 CFS	** 707.0 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 11-02106 :			
IRRIGATION	04/15 to 10/15	2.00 CFS	707.0 AF
Priority: 10/11/1952			
SUBTOTAL:		* 2.00 CFS	** 707.0 AF

SOURCE	TRIBUTARY OF
WASTE WATER	SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:	Lot	4(	NWNW), Sec.	6,	Township 09S, Range 42E
Injection	Lot	4(	NWNW), Sec.	6,	Township 09S, Range 42E
Exchange			NWNE , Sec.	36,	Township 08S, Range 41E
Exchange			NESE , Sec.	36,	Township 08S, Range 41E
Rediversion			NESW , Sec.	6,	Township 09S, Range 42E

CARIBOU County

TOTAL: * 7.12 CFS ** 707.0 AF

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	42E	6	Lot 3(NENW)	37	Lot 4(NWNW)	32	Lot 5(SWNW)	30	
			SENW	39	NESW	39	Lot 6(NWSW)	25	202
					Total number of acres irrigated:			***	202

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

TRANSFER NO. 4887
WATER RIGHT NO(S). 11-00448/11-00449/11-00457/11-00499
11-00471/11-00531B/11-02106

CONDITIONS OF APPROVAL AND REMARKS

** 7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.

* 8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.

9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of wastewater into Soda Creek and at all points of rediversion from Soda Creek.

*** 10. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.

*** 11. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

*** 12. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.

*** 13. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

Dated this 5th day of September, 1996.

L. Glen Saxton
Chief, Water Alloc. Bureau

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

12 December 1991

Gordon A. Aland
C/O Monsanto Chemical
Detergents & Phosphates Division
P.O. Box 816
Soda Springs, Idaho 83276

RE: Transfer for water rights 11-00547/00471/00001(00499)/00531/
11-00448/00449/02106

Dear Mr. Aland:

As we discussed enclosed is a transfer form that has been completed using the information that you supplied to this office. Please review the completed form, sign in front of a notary, and return the completed form, and $50.00 filing fee, to this office for processing.

Please feel free to contact this office for any additional assistance that you may need.

Sincerely,

Keith C. Wilson
Senior Resource Agent

Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Monsanto Chemical, Detergents & Phosphates Division Phone 547-3391

Post Office address PO BOX 816, Soda Springs, ID 83276

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use (11-00471 only)
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Add a point of diversion to water rights to facilitate irrigation. To correct legal description of the point of diversion (11-2106), and to correct place of use (11-0471) to actual place of use.

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		
11-00457	02/10/1881	0.10	IRRIGATION	04/20	to	09/30
11-00471	02/10/1881	0.02	IRRIGATION	04/20		09/30
11-00001	05/01/1881	0.60	IRRIGATION	04/20		09/30
11-00531B	05/01/1892	3.90	IRRIGATION	04/20		09/30
11-00448	06/01/1909	0.30	IRRIGATION	04/20		09/30
11-00449	05/01/1910	0.20	IRRIGATION	04/20		09/30
11-02106	10/11/1952	2.00	IRRIGATION	-		-

2. Total amount of water being transferred 7.12 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Soda Creek/wastewater tributary to Bear River/Soda Creek

4. Point(s) of Diversion: See attachment "A" for Point of Diversion for specific rights

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	
		NW	NE	36	8S	41E	"	
		NE	SW	6	9S	42E	"	New Diversion Point

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					37	32	30	39	39	25							202
							L3	L4	L5			L6							
11-00471 -- Acres are within acreage of NESW as described above																			
9S	42E	6									1.25								--

Total acres 202

Page _____ of _____ Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system diversion dams,headgate & ditches

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:
None. Adding the Point of Diversion will assist in irrigation and the change in the place of use will reflect actual place of use.

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____.

ATTACHMENT "A"

POINT OF DIVERSION:		WATER RIGHT NUMBERS:		
T08S, R41E				
SEC 36	NW¼NE¼	11-00001	11-00448	
	NE¼SE¼	11-00457 11-00531B 11-02106	11-00471 11-00448	11-00001 11-00449
T09S, R42E				
SEC 6	NE¼SW¼	11-00457 11-00531B 11-02106	11-00471 11-00448	11-00001 11-00449

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00457 Decreed to Landi C. Eastman
   in case of Utah Power & Light Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 788 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 2-10-1881
5. Water is used for the following purpose:
   amount 0.10 cfs (cfs/ac-ft) for irrigation purposes from 4-2 to 9-3
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 0.10 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							I	I	I	I	I	I							200

Total acres 200

9. Describe any other water rights used for the same purpose as described above 11-00001 (11-00499)
   11-00448/0531B/00449/02106

Page _____ of _____ **PART 2** Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. 11-00471 Decreed to Ellis Kackley

   in case of Utah Power & Light Co. vs. Last Chance Canal Co.

   dated 7-14-1920 in _____ county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Soda Creek tributary to Bear River

4. Date or priority 2-10-1881

5. Water is used for the following purpose:

   amount 0.02 cfs (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 0.02 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use: Aka lot 8 block 37 village of Soda Springs

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	7								I									1.25

Total acres 1.25

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: (aka 11-00499)
   a. Decree No. 11-00001 Decreed to T.H. Horsley
   in case of Utah Power & LIght Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 1596 (for 11-00001) which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek _____ tributary to Bear River
4. Date or priority 5-1-1881
5. Water is used for the following purpose:
   amount 0.06 cfs (cfs/ac-ft) for irrigation purposes from 5-15 to 10-15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	36	8S	41E	Caribou	
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					40	40	40	40	40	40							240

Total acres 240

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B

00499/02106

Page _____ of _____ **PART 2** Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00531B Decreed to Enoch & Thorger Johnson
   in case of _____ vs. _____
   dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 471 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 5-1-1892
5. Water is used for the following purpose:
   amount 3.9 cfs (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							I	I	I	I	I	I							

Total acres _____

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00001(00499)
00449/02106

Page _____ of _____ **PART 2** Transfer No. _____

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

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00448 Decreed to Ellis Kackley
   in case of Utah Power & Light Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 6-1-1909
5. Water is used for the following purpose:
   amount 0.30 (cfs/ac-ft) for irrigation purposes from 4-20- to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6									~~14~~	14							14
											~~16~~	L6							

Total acres 14

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B

00001(00499)/00449/02106

Page _____ of _____ **PART 2** Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. 11-00449 Decreed to William Chester
   in case of Utah Power & Light Co. vs. Last Chance Canal Co.
   dated 7-14-1920 in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 788 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water Soda Creek tributary to Bear River
4. Date or priority 5-1-1910
5. Water is used for the following purpose:
   amount 0.20 (cfs/ac-ft) for irrigation purposes from 4-20 to 9-30
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 0.20 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	36	8S	41E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							I	I	I	I	I	I							200

Total acres 200

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B
00001(00499)/02106

Page _____ of _____ **PART 2** Transfer No. _____

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

no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Page _____ of _____ Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 11-02106 issued by the Idaho Department of Water Resources.

   c. Claim No. _____ on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water wastewater tributary to Soda Creek

4. Date or priority 10-11-1952

5. Water is used for the following purpose:

   amount 2.0 cfs (cfs/ac-ft) for irrigation purposes from not specified to _____

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

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

6. Total amount of water under right 2.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
4		NW	NW	6	9S	42E	Caribou	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6					L3	L4	L5			L6							
							40	27	30	40	40	25							202

Total acres 202

9. Describe any other water rights used for the same purpose as described above 11-00457/00448/00531B

00001(00499)/00449

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no
_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

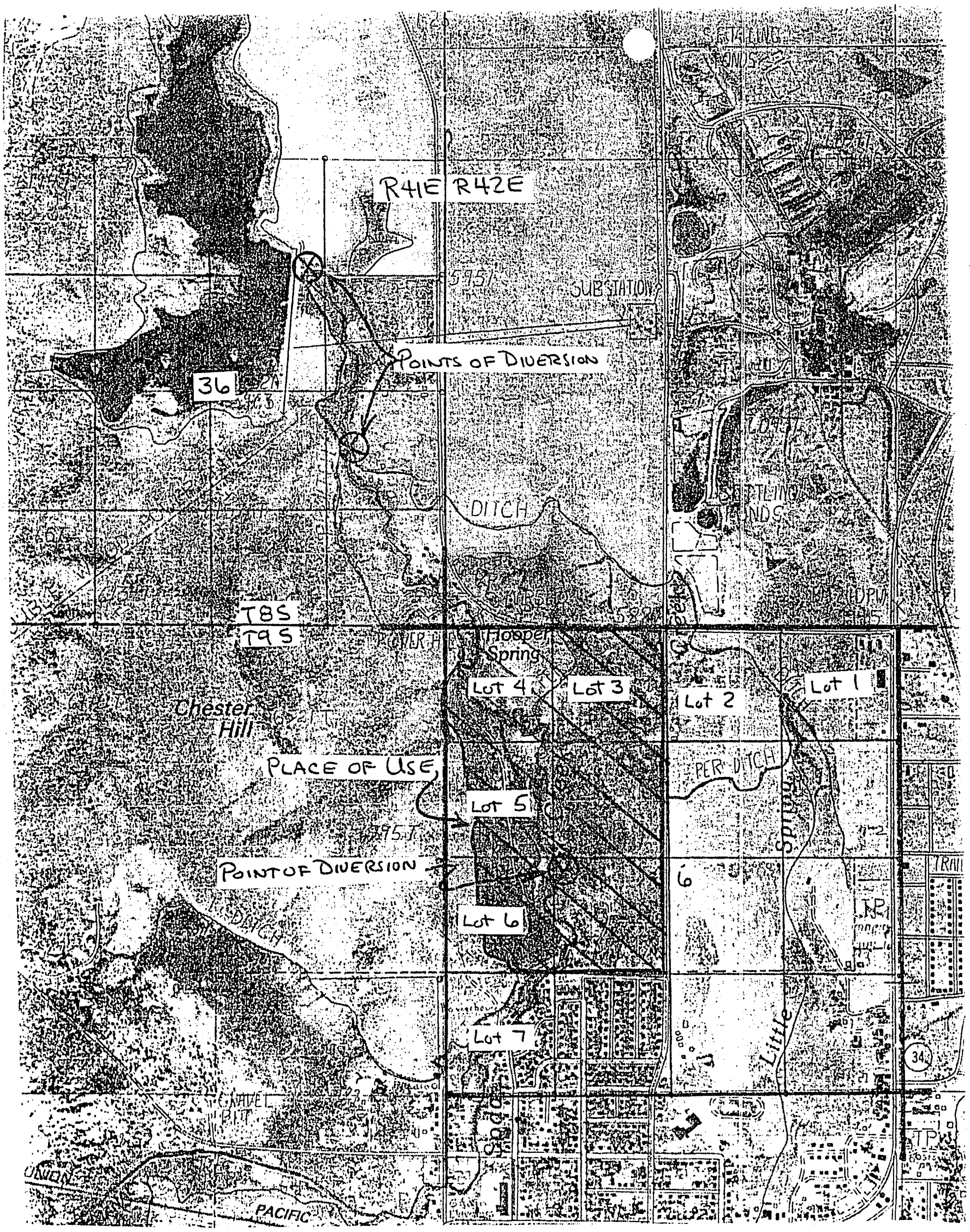
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____


R41E
R42E
595'
SUBSTATION
POINTS OF DIVERSION
36
DITCH
T8S
T9S
Hooper Spring
Lot 4
Lot 3
Lot 2
Lot 1
Chester Hill
PLACE OF USE
PER DITCH
Lot 5
595 T
POINT OF DIVERSION
Lot 6
Lot 7
GRAVEL PIT
UNION PACIFIC
Little
34

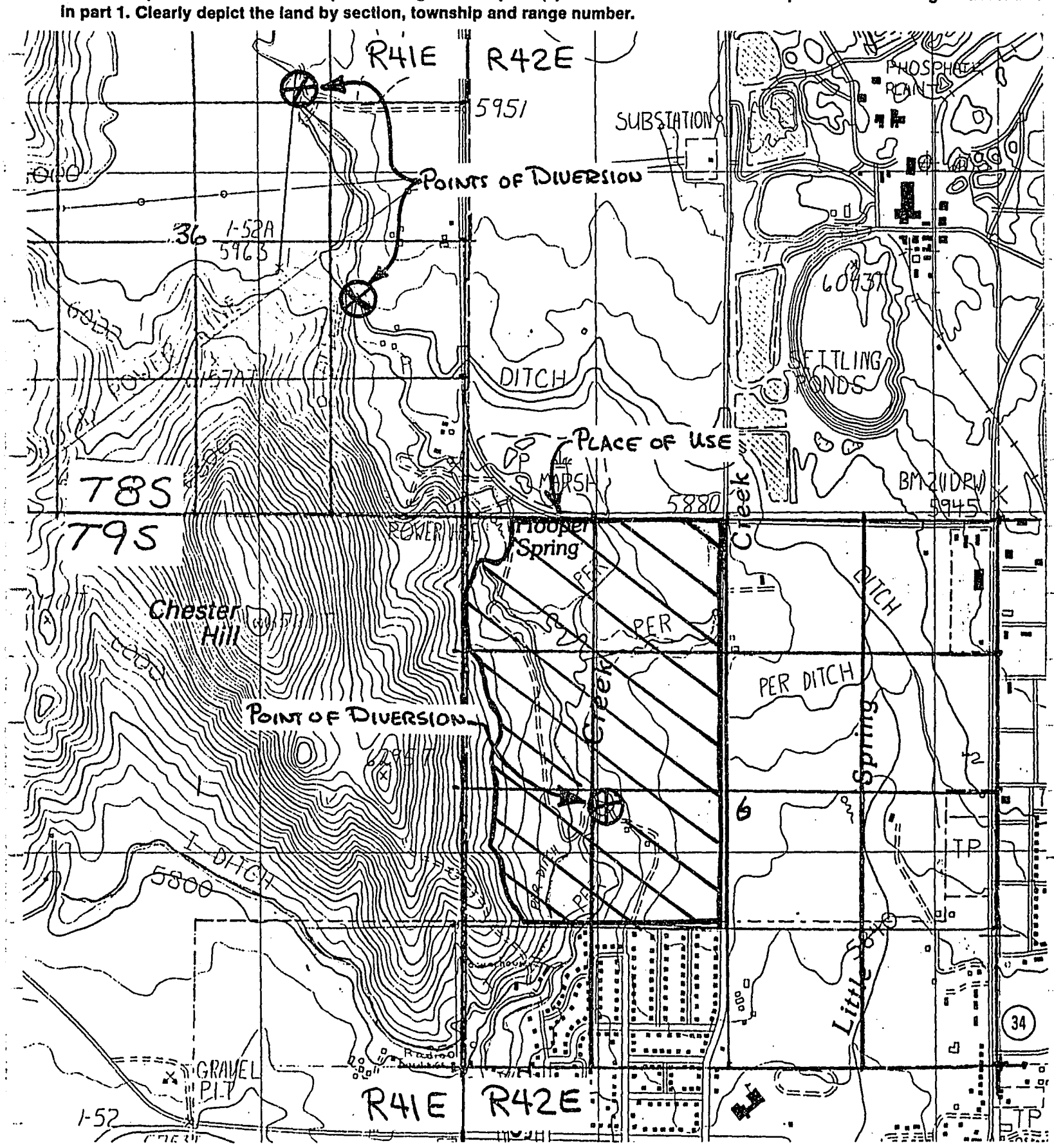
Page _____ of _____ Transfer No. _____

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.



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

Page _____ of _____ Transfer No. _____

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.

_____
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

_____
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____ _____

Receipted by _____ Date _____ _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED
JAN 14 1992
Department of Water Resources
Eastern District Office

Keith -

I'm staying in Boise and don't have a secretary so the cover letter is in longhand.

The check, the mortgage holder consent and notary stamp are attached. I signed the application after consulting with corp legal counsel, and my signature is notarized. And I made the corrections on 11-00448 that we discussed. I think that's all. If there are any questions please call and leave a message at my office & I will get back to you.

Thanks,

Gordon Grant

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 11-30457 etc.

RECEIVED
FEB 18 1992
Department of Water Resources
Eastern District Office

WATER DISTRICT 11-B

WATERMASTER Craig Hill

DATE: 2/13/92

COMMENTS: I also hope they Realize that I can't give them their full 7.12 cfs Because of Priority Dates, and a low Water year.

___ I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

I would Recommend that Monsanto Put some Kind of Water meter on their pump. so I can accurately measure the Water they use

Craig Hill
Watermaster

RECEIVED
FEB 2 4 1992
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF MONSANTO CHEMICAL, DETERGENTS & PHOSPHATES DIVISION, SODA SPRINGS, IDAHO, TO ADD A POINT OF DIVERSION AND CHANGE PLACE OF USE.	)	PROTEST
APPLICATION NO.	)	

COMES NOW the City of Soda Springs, Idaho, a municipal corporation, by and through its Mayor, Kirk L. Hansen, and hereby protests that proposed change of water right filed by Monsanto Chemical, Detergents & Phosphates Division, Soda Springs, Idaho. The same has been filed with the Department of Water Resources, State of Idaho and published in the Caribou County Sun, Soda Springs, Idaho, on February 6 and 13, 1992, wherein the Applicant seeks to add a point of diversion and change the place of use thereof for the following water rights:

Decree No. 11-00499 (aka 11-00001), Transfer No. 1596, with an alleged priority date of 5/1/1881;

Decree No. 11-00457, Transfer No. 788, with an alleged priority date of 2/10/1881;

Decree No. 11-00531B, Transfer No. 471, with an alleged priority date of 5/1/1892;

Decree No. 11-00448, with an alleged priority date of 6/1/1909;

Decree No. 11-00471, with an alleged priority date of 2/10/1881;

Decree No. 11-00449, Transfer No. 788, with an alleged priority date of 5/1/1910;

License No. 11-02106, with an alleged priority date of 10/11/1952,

Said protest is made for the reason that said change of point of diversion, addition of point of point of diversion, and change of place of use, may, or will, detrimentally effect prior existing water rights of the City of Soda Springs, Idaho, and/or water rights which it has acquired through decree, appropriation,

license, or permit, and that the amount of water requested by Applicant is in excess of that required to irrigate the property to which the same would be appropriated.

The name of the Protestant is

City of Soda Springs
9 West 2nd South
Soda Springs, ID. 83276
Telephone: 547-2601

Attorney for Protestant is

Clyde G. Nelson
172 South Main Street
Soda Springs, ID. 83276
Telephone: 547-2135

DATED: This 21 day of February, 1992.

CLYDE G. NELSON

172 SOUTH MAIN
SODA SPRINGS, IDAHO 83276
PHONE (208) 547-4632 2135

CITY OF SODA SPRINGS
SODA SPRINGS, IDAHO 83276

CLYDE G. NELSON
ATTORNEY

February 21, 1992

RECEIVED
FEB 24 1992
Department of Water Resources
Eastern District Office

Department of Water Resources
State of Idaho
150 Shoup Avenue, Suite 15
Idaho Falls, ID. 83402

Gentlemen:

Enclosed you will find the Protest filed by the City of Soda Springs, Idaho, as to the application of Monsanto Chemical, Detergents & Phosphates Division, Soda Springs, Idaho, to add a point of diversion and change place of use at Soda Creek. The protest is being filed in good faith to preserve the water rights of the City of Soda Springs, Idaho, in said stream, and to insure that the application will not interfere with or obstruct the rights of the City. The Protest will allow the City some additional time in which to review the file documents and discuss the same with the representatives of Monsanto and the Department of Water Resources to insure that there will be no detrimental effect to the City of Soda Springs and that the water rights for which transfer and change is sought are valid, existing rights.

Please forward me a copy of the Application, and all other documents filed by the Applicant, or other documents which you think may be relevant to a determination as to whether the proposed change will affect the City's water rights.

Your assistance in this is greatly appreciated.

Sincerely,

CLYDE G. NELSON

CGN:js
Enc.
c: Monsanto Company
Mayor and City Council

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

23-Mar-1992

CLYDE G NELSON
CITY OF SODA SPRINGS
172 S MAIN
SODA SPRINGS ID 83276

RE: App. for Transfer No. 11-00457
Monsanto Chemical, Detergents & Phosphate Division

Dear Mr. Nelson:

This letter acknowledges receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Respectfully submitted,

Harold W Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

23-Mar-1992

GORDON A ALAND
MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIVISION
PO BOX 816
SODA SPRINGS ID 83276

Dear Mr. Aland:

Enclosed please find a copy of a protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1) Are other water rights injured by the transfer?
2) Does the change constitute enlargement in the use of the original water right?
3) Is the change consistent with the conservation of water resources within the state of Idaho?
4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Respectfully submitted,

Harold W Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

Notice is hereby given that Monsanto Chemical, Detergents & Phosphates Division, Soda Springs, ID has applied to the Department of Water Resources to add a point of diversion and change place of use. The right sought to be changed is evidenced and recorded as follows:

Decree No. 11-00499 (aka 11-00001) Decreed to T.H. Horsley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7-14-1920.

Transfer No. 1596 (for 11-00001) which produced this right.

AMOUNT: .60 cfs PRIORITY: 5/1/1881

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NWNE NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate 240 acres within the NW N1/2SW Sec 6, T09S, R42E, B.M.

Decree No. 11-00457 Decreed to Landi C. Eastman in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

Transfer No. 788 which produced this right.

AMOUNT: .10 cfs PRIORITY: 2/10/1881

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate 5 acres within the SENW NESW Sec 6, T09S, R42E, B.M.

Decree No. 11-00531B Decreed to Enoch & Thorger Johnson in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

Transfer No. 471 which produced this right.

AMOUNT: 3.9 cfs PRIORITY: 5/1/1892

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate within the NENW(Lot 3) NWNW(Lot 4) SWNW(Lot 5) SENW NESW NWSW(Lot 6) Sec 6, T09S, R42E, B.M.

Decree No. 11-00448 Decreed to Ellis Kackley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

AMOUNT: .30 cfs PRIORITY: 6/1/1909

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate 14 acres within the NWSW(Lot 6) Sec 6, T09S, R42E, B.M.

Decree No. 11-00471 Decreed to Ellis Kackley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

AMOUNT: .02 cfs PRIORITY: 2/10/1881

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate 1.25 acres within the SENW Sec 7, T09S, R42E, B.M.

Decree No. 11-00449 Decreed to William Chester in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920. Transfer No. 788 which produced this right.

AMOUNT: .20 cfs PRIORITY: 5/1/1910

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec 36, T08S, R41E, Caribou County

The water is used to irrigate 200 acres within the NENW(Lot 3) NWNW(Lot 4) SWNW(Lot 5) SENW NESW NWSW(Lot 6) Sec 6, T09S, R42E, B.M.

LICENSE NO. 11-02106 AMOUNT: 2.0 cfs

PRIORITY: 10/11/1952

SOURCE: wastewater tributary to Soda Creek

POINT(S) OF DIVERSION: NWNW(Lot 4) Sec 6, T09S, R42E, Caribou County

The water is used to irrigate 202 acres within the NENW(Lot 3) NWNW(Lot 4) SWNW(Lot 5) SENW NESW NWSW(Lot 6) Sec 6, T09S, R42E, B.M.

Period of use is from April 20 to September 30.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESE NWNE Sec 36, T08S, R41E; NESW Sec 6, T09S, R42E(New Point of Diversion) and used to irrigate 202 acres within the NENW(Lot 3) NWNW(Lot 4) SWNW(Lot 5) SENW NESW NWSW(Lot 6) Sec 6, T09S, R42E, Caribou County

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before February 24, 1992.

R. Keith Higginson
Director

Published in the Caribou County Sun on February 6 & 13, 1992.

PHOSPHATE CENTER OF THE WEST

City of Soda Springs

County Seat and Commercial Center of
Caribou County
Founded May 20, 1863
9 West Second South - Phone 547-2600
SODA SPRINGS, IDAHO 83276

KIRK L. HANSEN
Mayor

BART CONLIN
President

BRENDA L. ERICKSON
Clerk-Treasurer

W. LEE GODFREY
Director of City Services

Councilmen

Wm. Bart Conlin
Mitchell J. Hart
Randall E. Prescott
T.M. Thomas

RECEIVED
JUL 11 1996
Department of Water Resources
Eastern Region

July 10, 1996

Mr. Harold Jones
Eastern District Office
Idaho Dept. of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83404

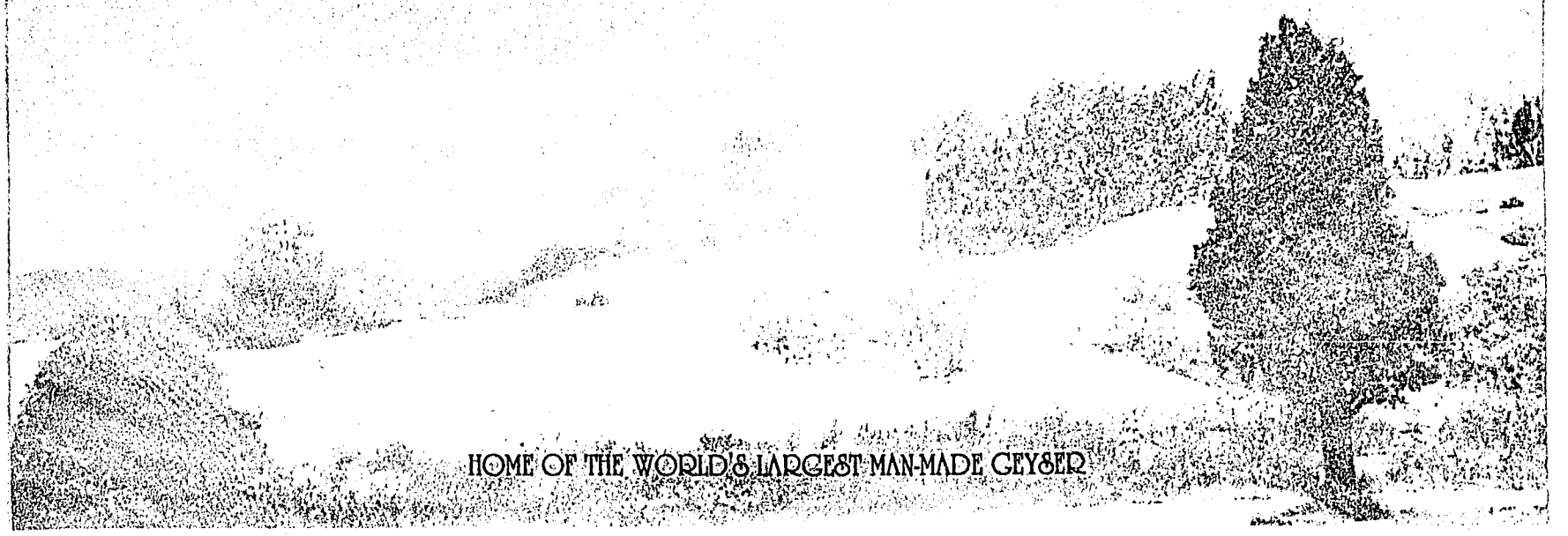
Dear Mr. Jones:

The City of Soda Springs wishes to withdraw our protest of an application for an additional point of diversion, for water rights by Monsanto Chemical, Detergents & Phosphates Division of Soda Springs, Idaho.

Water Rights in the application include numbers 11- 00499, 11- 00457, 11- 00531B, 11- 00448, 11- 00471, 11- 00449 and 11- 02106.

Sincerely,

Kirk L. Hansen
Mayor



HOME OF THE WORLD'S LARGEST MAN-MADE GEYSER

RECEIVED
MAR 1 6 1992
Department of Water Resources
Eastern District Office

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

Notice is hereby given that Monsanto Chemical, Detergents & Phosphates Division, Soda Springs, ID has applied to the Department of Water Resources to add a point of diversion and change place of use. The right sought to be changed is evidenced and recorded as follows:

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Transfer No. 1596 (for 11-00001) which produced this right.

AMOUNT: .60 cfs

PRIORITY: 5/1/1881

SOURCE: Soda Creek tributary to Bear River

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The water is used to irrigate 240 acres within the NW N1/2SW Sec. 6, T09S, R42E, B.M.

Decree No. 11-00457 Decreed to Landi C. Eastman in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

Transfer No. 788 which produced this right.

AMOUNT: .10 cfs

PRIORITY: 2/10/1881

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate 5 acres within the SENW NESW Sec. 6, T09S, R42E, B.M.

Decree No. 11-00531B Decreed to Enoch & Thorger Johnson in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

Transfer No. 471 which produced this right.

AMOUNT: 3.9 cfs

PRIORITY: 5/1/1892

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate within the NENW (Lot 3) NWNW (Lot 4) SWNW (Lot 5) SENW NESW NWSW (Lot 6) Sec. 6, T09S, R42E, B.M.

Decree No. 11-00448 Decreed to Ellis Kackley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

AMOUNT: .30 cfs

PRIORITY: 6/1/1909

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate 14 acres within the NWSW (Lot 6) Sec. 6, T09S, R42E, B.M.

Decree No. 11-00471 Decreed to Ellis Kackley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

AMOUNT: .02 cfs.

PRIORITY: 2/10/1881

SOURCE: Soda Creek tributary to Bear River.

The Summers and Rikki visited afterwards with Ashbaker and went

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

6th day of

February, 19 92

The date of the last publication

being the 13th day of

February, 19 92

On this 28th day of February

in the year of 1992 before

me, a Notary Public, personally appeared

known or identified to me to be the person whose name 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.

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 1994

The water is used to irrigate within the NE (Lot 3) NWNW (Lot 4) SWN (Lot 5) SENW NESW NWSW (Lot 6) Sec. 6, T09S, R42E, B.M.

Decree No. 11-00448 Decreed to Ellis Kackley in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

AMOUNT: .30 cfs

PRIORITY: 6/1/1909

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate 14 acres within the NWSW (Lot 6) Sec. 6, T09S, R42E, B.M.

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AMOUNT: .02 cfs.

PRIORITY: 2/10/1881

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate 1.25 acres within the SENW Sec. 7, T09S, R42E, B.M.

Decree No. 11-00449 Decreed to William Chester in case of Utah Power & Light Co. vs. Last Chance Canal Co. dated 7/14/1920.

Transfer No. 788 which produced this right.

AMOUNT: .20 cf

PRIORITY: 5/1/1910

SOURCE: Soda Creek tributary to Bear River

POINT(S) OF DIVERSION: NESE Sec. 36, T08S, R41E, Caribou County

The water is used to irrigate 200 acres within the NENW (Lot 3) NWNW (Lot 4) SWNW (Lot 5) SENW NESW NWSW (Lot 6) Sec. 6. T09S, R42E. B.M.

LICENSE NO. 11-02106

AMOUNT: 2.0 cfs

PRIORITY: 10/11/1952

SOURCE: Wastewater tributary to Soda Creek

POINT(S) OF DIVERSION: NWNW (Lot 4) Sec. 6, T09S, R42E, Caribou County

The water is used to irrigate 202 acres within the NENW (Lot 3) NWNW (Lot 4) SWNW (Lot 5) SENW NESW NWSW (Lot 6) Sec. 6, T09S, R42E, B.M.

Period of use is from April 20 to September 30.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESE NWNE Sec. 36, T08S, R41E; NESW Sec. 6, T09S, R42E (New Point of Diversion) and used to irrigate 202 acres within the NENW (Lot 3) NWNW (Lot 4) SWNW (Lot 5) SENW NESW NWSW (Lot 6) Sec. 6, T09S, R42E, Caribou County

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before February 24, 1992.

(s) R. KEITH HIGGINSON
Director

Published in the Caribou County Sun. on Feb. 6 & 13, 1992.

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 1994

July 15, 1996

KIRK L HANSEN
CITY OF SODA SPRINGS
9 WEST SECOND SOUTH
SODA SPRINGS ID 83276

RE: Application for Transfer No. 295 - MONSANTO

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest from the City of Soda Springs against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones rb

Harold W. Jones
Water Right Supervisor

HWJ/rb

July 15, 1996

MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIVISION
PO BOX 816
SODA SPRINGS ID 83276

RE: Application for Transfer No. ~~295~~

Dear Applicant:

This letter is to advise you that the protest filed by the City of Soda Springs against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones rb

Harold W. Jones
Water Right Supervisor

HWJ/rb

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1996

Monsanto Chemical
C/O Gordon Aland
Detergents & Phosphates Division
P.O. Box 816
Soda Springs, ID 83276

RE: Transfer No. 4887

Dear Gordon:

I have finished my preliminary review of the above referenced transfer that we spoke about in my office the other day. There are a couple of questions that will need to be resolved prior to recommendation for approval.

I have reviewed the evidence of ownership that was attached to the application and am unable to discern how Right No. 11-00471 that is recorded as used in Section 7, T09S, R42E was transferred to Monsanto through a quit-claim deed identifying land in Section 6, T09S, R42E.

Could you clarify how this right became part of the listed rights transferred from Kackley to Monsanto and provide evidence of the chain of ownership? Our records show that 1.25 acres located in Lot 8, Block 37 or SENW, S07, T09S, R42E were decreed to Ellis Kackley.

The second issue is the excessive rate of diversion identified under these combined rights for use on 202 acres from a single source, Soda Creek. The maximum allowed rate per acre is 0.02 cfs/acre or 1 inch of water per acre.

202 acres x 0.02 = 4.04 cfs required.

The Soda Creek rights total 5.12 cfs or a diversion rate of 0.025 cfs/acre. Unless you can provide evidence that a higher diversion rate is necessary, all of the junior priority rights 11-00449, 11-00448 and a portion of 11-00531B, 0.58 cfs, shall be considered abandoned through approval of this transfer.

Recommended:	11-00457	02-10-1881	0.10 cfs	
	11-00471	02-10-1881	0.02 cfs	
	11-00499	05-01-1881	0.60 cfs	
	11-00531B	05-01-1892	3.32 cfs	(Part)
			4.04 cfs	

Abandoned:	11-00531B	05-01-1892	0.58 cfs (Part)
	11-00448	06-01-1909	0.30 cfs
	11-00449	05-01-1910	0.20 cfs

The waste water right will be recommended as described, but will be limited when combined with Soda Creek rights to a maximum of 4.04 cfs total diversion rate.

I know you are anxious to resolve this transfer application. I will be contacting you directly by phone and then by this letter of explanation to expedite the matter. Please provide the ownership information and any evidence supporting the higher diversion rate within 15 days. I will withhold the application pending your response to these questions.

Thank you in advance for your prompt response. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Sr. Water Resource Agent

****
*** ACTIVITY REPORT ***
****

TRANSMISSION OK

TX/RX NO.	5616
CONNECTION TEL	6p912085473312
CONNECTION ID	
START TIME	08/19 09:36
USAGE TIME	01'19
PAGES	3
RESULT	OK

MONSANTO Co.
P. O. Box 816
Soda Springs, Idaho 83276
208-547-4300-x295
Fax: 208-547-3312

August 21, 1996

Ms. Pamela Skaggs
Sr. Water Resource Agent
Department of Water Resources
State of Idaho
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Transfer No. 4887 and your Aug. 19 letter

Dear Ms. Skaggs:

I will send an acknowledgment from Mr. & Mrs. Marty McCullough, the present owners of Lot 8, Block 37 or SENW, S07, T09S, R42E in Soda Springs, stating that they have no interest in Water Right No. 11-00471.

Addressing the issue of excessive diversion, the previous owner of the Kackley farm acquired water rights to ensure enough water to irrigate the farm, even with heavy water losses throughout the Lau ditch. The Lau ditch travels over a basalt, lava flow most of its length. The soil cover varies from none to a few feet. The first 350-400 feet of the ditch over the basalt outcrop had unacceptable losses. The original owner-partners constructed a cement ditch in that portion to reduce the greatest water loss. The ditch continues over the lava flow but with water losses that are made up by extra water rights.

You mentioned the waste water right. This water is not a certain flow and is subject to fluctuations. It was acquired by the Kackleys as a supplemental water source, when available, to help irrigate the farm when Soda Creek became low and irrigation through the Lau ditch became almost impossible. Although Monsanto is now both the generator and the owner of this water, the plant does not schedule its operations to meet an irrigation schedule.

The above conditions became a reality in 1991 when the farm lessee could not get enough water through the Lau ditch to irrigate the farm. Monsanto then applied for the alternate diversion point.

Now the Idaho Fish and Game has asked Monsanto to guarantee a minimum stream flow through a portion of Soda Creek from the Lau ditch diversion point to the south end of Hooper Park near the City power plant No. 4. They believe this is a unique riparian habitat. (After walking through the area I have to agree that this miniature canyon with its native vegetation and the City Hooper Park is an attractive splash of green in the sagebrush desert like environment on both sides of the gully.) Monsanto agreed to work out an irrigation plan that supports the riparian habitat. This initial action was with the belief that Monsanto would retain all of the water rights it now has. The ditch water loss from seepage, farm irrigation and a loss of water rights will make supporting the Fish and Game minimum stream flow request very difficult if not impossible. We recognize that technically there are no "rights" for the riparian habitat, but it seems like a good thing to do for the habitat, the community and the state.

Thank you for your help,

Gordon A. Aland

145890

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that LOIS KACKLEY, a married woman, dealing in and with her sole and separate property, does hereby certify and declare that a certain mortgage, bearing date the 10th day of October, 1989, made and executed by Monsanto Company, a Delaware Corporation, the party of the first part therein, to Lois Kackley, a married woman, as her sole and separate property, the party of the second part therein, recorded in the office of the County Recorder of the County of Caribou, State of Idaho, as Instrument No.141344 on the 13th day of May, 1991, together with the debt thereby secured, is fully paid, satisfied and discharged.

This is the re-recorded Mortgage of the same date between the same parties originally recorded on October 12, 1989, as Instrument No. 137612, Caribou County records.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of June, 1991.

145890

STATE OF IDAHO
County of Caribou
Date: July 12, 1993
Time: 3:25 P.M.
Microfilm Records
Recorder: Edie Izatt
Deputy: Denise Horsley
Fee: 4.00

Lois Kackley

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of June, 1991, before me the undersigned Notary Public in and for said State, personally appeared Lois Kackley known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(S E A L)

Notary Public
Residing at Preston Co. Id.
My Commission Expires: 4.25.97

MONSANTO CO.
P. O. BOX 816
SODA SPRINGS, IDAHO 83276
208-547-4300-x295
FAX: 208-547-3312

RECEIVED
AUG 2 8 1996
Department of Water Resources

August 21, 1996

Ms. Pamela Skaggs
Sr. Water Resource Agent
Department of Water Resources
State of Idaho
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RE: Transfer No. 4887 and your Aug. 19 letter

Dear Pam Ms. Skaggs:

I will send an acknowledgment from Mr. & Mrs. Marty McCullough, the present owners of Lot 8, Block 37 or SENW, S07, T09S, R42E in Soda Springs, stating that they have no interest in Water Right No. 11-00471.

Addressing the issue of excessive diversion, the previous owner of the Kackley farm acquired water rights to ensure enough water to irrigate the farm, even with heavy water losses throughout the Lau ditch. The Lau ditch travels over a basalt, lava flow most of its length. The soil cover varies from none to a few feet. The first 350-400 feet of the ditch over the basalt outcrop had unacceptable losses. The original owner-partners constructed a cement ditch in that portion to reduce the greatest water loss. The ditch continues over the lava flow but with water losses that are made up by extra water rights.

You mentioned the waste water right. This water is not a certain flow and is subject to fluctuations. It was acquired by the Kackleys as a supplemental water source, when available, to help irrigate the farm when Soda Creek became low and irrigation through the Lau ditch became almost impossible. Although Monsanto is now both the generator and the owner of this water, the plant does not schedule its operations to meet an irrigation schedule.

The above conditions became a reality in 1991 when the farm lessee could not get enough water through the Lau ditch to irrigate the farm. Monsanto then applied for the alternate diversion point.

Now the Idaho Fish and Game has asked Monsanto to guarantee a minimum stream flow through a portion of Soda Creek from the Lau ditch diversion point to the south end of Hooper Park near the City power plant No. 4. They believe this is a unique riparian habitat. (After walking through the area I have to agree that this miniature canyon with its native vegetation and the City Hooper Park is an attractive splash of green in the sagebrush desert like environment on both sides of the gully.) Monsanto agreed to work out an irrigation plan that supports the riparian habitat. This initial action was with the belief that Monsanto would retain all of the water rights it now has. The ditch water loss from seepage, farm irrigation and a loss of water rights will make supporting the Fish and Game minimum stream flow request very difficult if not impossible. We recognize that technically there are no "rights" for the riparian habitat, but it seems like a good thing to do for the habitat, the community and the state.

Thank you for your help,

Gordon A. Aland

RECEIVED
AUG 2 8 1996 145891
Department of Water Resources

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that LOIS KACKLEY, a married woman dealing in and with her sole and separate property, does hereby certify and declare that a certain mortgage, bearing date the 10th day of October, 1989, made and executed by the MONSANTO COMPANY, a Delaware corporation, the party of the first part therein, to Lois Kackley, a married woman, as her sole and separate property, the party of the second part therein, recorded in the office of the County Recorder of the County of Caribou, State of Idaho, as Instrument No. 13761 on the 12th day of October, 1989, together with the debt thereby secured, is fully paid, satisfied and discharged.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 12th day of October, 1989.

145891 STATE OF IDAHO
County of Caribou
Date: July 12 1993
Time: 3:25 P.M.
Microfilm Records
Recorder: Edie Izatt
Deputy: Denise Horsley
Fee: 3.00 CT

Lois Kackley
Lois Kackley

STATE OF IDAHO)
) ss.
County of Caribou)

On this 12th day of October, 1989, before me the undersigned Notary Public in and for said State, personally appeared LOIS KACKLEY known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(S E A L)

KENA ANN MOORE NOTARY PUBLIC STATE OF IDAHO

Kena Ann Moore
Notary Public
Residing at Soda Springs Id.
My Commission Expires 1/23/93

RECEIVED
AUG 2 [illegible]96
Department of Water Resources

145890

SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, that LOIS KACKLEY, a married woman, dealing in and with her sole and separate property, does hereby certify and declare that a certain mortgage, bearing date the 10th day of October, 1989, made and executed by Monsanto Company, a Delaware Corporation, the party of the first part therein, to Lois Kackley, a married woman, as her sole and separate property, the party of the second part therein, recorded in the office of the County Recorder of the County of Caribou, State of Idaho, as Instrument No.141344 on the 13th day of May, 1991, together with the debt thereby secured, is fully paid, satisfied and discharged.

This is the re-recorded Mortgage of the same date between the same parties originally recorded on October 12, 1989, as Instrument No. 137612, Caribou County records.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of June, 1991.

145890

STATE OF IDAHO
County of Caribou
Date: July 12, 1993
Time: 3:25 P.M.
Microfilm Records
Recorder: Edie Izatt
Deputy: Denise Horsley
Fee: 4.00

Lois Kackley
Lois Kackley

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of June, 1991, before me the undersigned Notary Public in and for said State, personally appeared Lois Kackley known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(S E A L)

Glenna Jo Barnes
Notary Public
Residing at Pocatello, Id.
My Commission Expires: 4-25-97

FACSIMILE

To: Ms. Pamela Skaggs
Fax #: 208-327-7866
Re: Transfer No. 4887
Date: August 26, 1996
Pages: 2, including this cover sheet.

Dear Pam:

Here is a fax copy of the Acknowledgment for Water Right No. 11-00471, recognizing that the present lot owners have no ownership in the Water Right.

I will mail you a copy of the ACKNOWLEDGMENT, a copy of my letter, and two recorded mortgage satisfaction instruments. I don't know why the satisfaction was recorded twice.

Again, THANKS,

Gordon Aland

From the desk of...

Gordon A. Aland
Govt. Affairs & Mining Specialist
Monsanto Co.
P. O. Box 816
Soda Springs, Idaho 83276

208-547-4300-x295
Fax 208-547-3312

ACKNOWLEDGMENT

As owner of Lot 8, Block 37 or SENW, S07, T09S, R42E we acknowledge that we have no ownership in Water Right No. 11-00471, formerly decreed to this property.

DATED this 23 day of August, 1996

By: Marty McCullough

By: Donna J. McCullough

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

The foregoing instrument was acknowledged before me this 23 day of August, 1996 by

Karyn Thompson

Notary Signature and Seal

KARYN THOMPSON NOTARY PUBLIC STATE OF IDAHO

FACSIMILE

To: Ms. Pamela Skaggs
Fax #: 208-327-7866
Re: Transfer No. 4887
Date: August 22, 1996
Pages: 3, including this cover sheet.

Dear Pam,

Based on our telephone conversation, I drafted a disclaimer and gave it to Mr. Marty McCullough for him and his wife to sign and have notarized. When he returns it, I will fax and then mail it to you. The County Clerk's office identified Mr. McCullough as the owner of the property outlined in your letter. (The County Appraiser did also.) The Clerk verified that the transaction did not include a water right when Mr. McCullough bought the property. She also checked the two previous owners and there was no mention of a water right. (The property is in town adjacent to Idaho 34 and has not been accessible to a ditch for many years.) At this point she threatened me if I did not try the easy route first.

I am sending a letter describing the water right usage. If you need more or would like the letter changed, treat it as a draft and I will resend it.

In the interim between the application filing and now, the mortgage has been satisfied and I am including a copy of that document.

When Mr. McCullough gets his wife's signature and has both notarized, I will mail all three to you.

If you need any questions answered, please give me a call. Again, THANKS for all your help,

Gordon A. Aland

From the desk of...

Gordon A. Aland
Govt. Affairs & Mining Specialist
Monsanto Co.
P. O. Box 816
Soda Springs, Idaho 83276

208-547-4300-x295
Fax: 208-547-3312

MONSANTO CO.
P. O. BOX 816
SODA SPRINGS, IDAHO 83276
208-547-4300-x295
FAX: 208-547-3312

RECEIVED
AUG 2 8 1996
Department of Water Resources

August 26, 1996

Mrs. Pamela Skaggs
Sr. Water Resource Agent
Department of Water Resources
State Of Idaho
1301 North Orchard Street
Boise, Idaho 83706

RE: Re: Transfer No. 4887

Dear Mrs. Skaggs:

Hoping these documents help bring the alternate diversion transfer application to a successful close, I am sending you copies of the following:

1-Marty McCullough Acknowledgment Lot 8, Block 37, Soda Springs, Right No. 11-00471.

2-My Letter of August 21, 1996, on excessive diversion.

3-Satisfaction of Mortgage, Instrument 145891, first signed 12th October, 1989

4-Satisfaction of Mortgage, Instrument 145890, same mortgage, signed 11th June, 1991

Pam, again, thanks for all your help,

Sincerely,

Gordon A. Aland
Govt. Affairs & Mining Specialist

RECEIVED
AUG 2 8 1996
Department of Water Resources

ACKNOWLEDGMENT

As owner of Lot 8, Block 37 or SENW, S07, T09S, R42E we acknowledge that we have no ownership in Water Right No. 11-00471, formerly decreed to this property.

DATED this 23 day of August, 1996

By: Marty McCullough

By: Donna J McCullough

STATE OF IDAHO)
: ss.
COUNTY OF CARIBOU)

The foregoing instrument was acknowledged before me this 23 day of August, 1996 by

Karyn Thompson

Notary Signature and Seal

KARYN THOMPSON NOTARY PUBLIC STATE OF IDAHO

MEMORANDUM

TO: FILE NOS. 11-00448/449/457/471/499/531B & 02106

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4887

DATE: August 29, 1996

==========

Transfer No. 4887 was filed to add a point of diversion and change the place of use under the rights referenced above to create a permissible place of use for the rights with a small number of acres.

All of these rights are from Soda Creek except 11-02106 whose source of water is waste water from the Monsanto plant. This waste water is diverted into Soda Creek and a similar amount is being diverted upstream through this combined system from Soda Creek.

The additional point of diversion is being added to assist in irrigation practices. The total rate of diversion transferred is in excess of the standard 0.02 cfs/acre and is needed when water is diverted through the original points of diversion and ditches. The applicant explained the extra rights and water are needed because of conveyance losses over a basalt outcrop in the Lau ditch. A cement ditch was constructed over portions with greatest losses, but additional rate is required to successfully deliver the water.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include watermaster control, irrigation overlap, multiple points of diversion/measuring devices, combined limits, conveyance losses, permissible place of use and standard transfer conditions.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 5, 1996

MONSANTO CHEMICAL
DETERGENTS & PHOSPHATES DIV
PO BOX 816
SODA SPRINGS ID 83276

RE: Transfer of Water Right Nos. 11-00448/11-00449/
11-00457/11-00499/11-00471/11-00531B/11-02106

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4887). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

If you have any questions, please feel free to contact me.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

FAX TRANSMISSION

MONSANTO CO.
P. O. BOX 816
SODA SPRINGS, IDAHO 83276
208-547-4300-x295
FAX: 208-547-3312

To: Mrs. Pamela Skaggs

Fax #: 208-327-7866

From: Gordon A. Aland

Subject: Transfer No. 4887

Date: September 25, 1996

Pages: 2, including this cover sheet.

COMMENTS: PAM :

Please review the accompanying letter. Does this answer the Department's requirement for methods of measurement? If it does not, or there are some grey areas that can not be explained over the phone, I will be in Boise next week. Perhaps we could discuss any concerns at that time.

If you have any questions, please give me a call at 208-547-4300-x295.

Thanks,

Gordon A. Aland

MONSANTO CO.
P. O. BOX 816
SODA SPRINGS, IDAHO 83276
208-547-4300-X295
FAX: 208-547-3312

DRAFT

September 24, 1996

JIM JOHNSON, Manager
Water Right Permits Section
State Of Idaho, Dept of Water Resources
1302 North Orchard Street
Boise, Idaho 83706

RE: Transfer No. 4887

Dear Mr. Johnson:

Your letter of September 5, 1996, Transfer No. 4887, page 2, CONDITIONS OF APPROVAL AND REMARKS, No. 6 requires a means of measurement acceptable to the Department. Monsanto Co. submits the following methods for measurement of water from the identified diversion points:

1-Diversion point NESE S36 T8S R41E. This diversion point for the Lau ditch is approximately .4 mile below the Soda Creek dam. There is a ditch weir placed in the Lau ditch.

2-Diversion point NWNE S36 T8S R41E. This diversion point for the Kackley ditch is just below the Soda Creek dam. There is a ditch weir placed in the new Kackley ditch.

3-Diversion point NESW S6 T9S R42E. This diversion point is on the Kackley farm by the culvert bridge in NESW S6. The measurement is by orifice size and sprinkler head count, using manufacturer's charts.

These methods have been discussed with the State Water District No. 11B watermaster and he agrees.

If you have any questions, please give me a call at 208-547-4300-x295.

Respectfully,

Gordon A. Aland
Govt. Affairs & Mining Specialist

c:data\923wtres.ltr

ID-ENG-40
Rev. 4

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SPRINKLER SYSTEM DESIGN DATA

NAME: LARRY HOPKINS DATE: 3/26/92 PREPARED BY B. BERGEM

SCD: CARIBOU COUNTY: CARIBOU ENGR. JOB CLASS 2

I. INVENTORY
Total Acres: 80 Crop Acres: 63 Climatic Area: 3

II. SOILS DATA

USDA Soil Name (Limiting Soil)	Total Available WHC (in/ft.) 0-1	1-2	2-3	3-4	4-5	Depth To Inhib Layer	Depth To Water Table	Maximum Intake Rate in/hr
REXBURG	2.40	2.40	2.40	2.40	2.40	> 60	> 60	0.5

III. DETERMINATION OF WEIGHTED CONSUMPTIVE USE (CU)

Crop	Acres	June CU	June AxCU	July CU	July AxCU	August CU	August AxCU
SMALL GRAIN	63	5.79	362.5	5.04	315.5	0.88	55.1
Weighted Consumptive Use		5.79		5.04		0.88	

IV. WATER MANAGEMENT INFORMATION

Crop	Root Zone Depth (ft)	Total WHC (Inches)	Stress Point (%TWHC)	Max. net Replacement (Inches)	Peak Daily C.U.	Max. Freq. @ Peak C.U. @ Max. Net.
SMALL GRAIN	4.0	9.60	50	4.80	0.20	24.0

V. DESIGN DATA
Based on weighted consumptive use, 65% Eff., 5 MPH Winds, 0.6 Wind Factor

Application Net (D)	Application Gross	Peak Daily C.U. (Weighted)	Frequency (F) (Days)	System Requirements Total gpm	System Requirements gpm/ac
5.72	8.79	0.20	29.0	374	6
5.08	7.81	0.20	25.5	376	5
0.93	1.43	0.23	4.0	440	7

VI. SYSTEM DESIGN

A. Sprinkler System Design Summary

Nozzle Spacing = 40 ft. Lateral Spacing on the mainline = 60 ft.

Minimum Wetted Dia. = 60 (Sm) / 0.6 (wind factor) = 100.0 ft.

Sprinkler Head:	Make & Model	Nozzle Size	Gpm/Nozzle	Pressure	Wetted Dia.
	RB	30 3/16	7.18	50	100

Application Rate = 0.29 in/hr Application Time = 11.5 hours/set

Net Application = 0.29 (Applic. Rate) X 65.00 (Applic. EFF.) X 11.5 (Hours/Set) = 2.15 in.

$$\text{Max. Irr. Cycle} = \frac{\text{Net Application}}{\text{Peak Daily C.U.}} = \frac{2.15}{0.22} = 10.0 \text{ Days}$$

$$\text{Minimum Number Laterals} = \frac{\text{(Number of Lateral Sets)}}{\text{(Max. Irr. Cycle)(Moves/day)}} = \frac{20}{10.0 \times 2} = 1 \text{ Lats.}$$

Designed Laterals: Number 1 Diameter 4 in. Type HAND LINE Moves/Day:2

System Capacity = 66 (total nozz.) X 7.2 (gpm/nozz.) = 473.9 gpm (Total)

1.06 cfs

B. Lateral Friction

Allowable Friction Loss = 0.2 X 50 (nozz. pres.) psi - 0.9 (elev) psi = 9.1 psi

Actual Friction Loss (worst condition) = 8.5 psi

Pressure (Pm) required at the Mainline:

	Standard Nozzle	Flow Control Nozzle
Nozzle Pressure	50.0 x 1.0 = 50.0	
Lateral Friction	8.5 x 0.75= 6.4	
Elevation Difference	0.9 x 0.50= 0.4	
Nozzle Riser Height	2.5 x 1.0 = 2.5	
Flow Control Valve Loss	N/A	
Total	= 57.9	

C. Mainline Design

Material = PVC Pressure Rating = 100 Class = PIP SDR 41

Station From	To	Flow (gpm)	Pipe dia.	Velocity (fps)	Distance (ft)	Friction Loss Per 1000'	This Section	Accum.
0	1200	474	6	5.68	1200	16.29	19.55	19.55

D. Determination of Total Dynamic Head

Pressure req'd @ main	57.9 psi	134 ft
Friction loss in main		20 ft
Elevation rise(+)/fall(-)		25 ft
Lift (surface to pump)		3 ft
Column loss		0 ft
Misc. loss		2 ft
Total (TDH)		183 ft

E. Horse Power Req'd

$$BHP = \frac{(TDH)\ GPM}{(3960)\ Pump\ Efficiency} = \frac{183 \times 474}{3960 \times 70} = 31\ HP$$

F. Power Cost

Hrs/season = 600
$/kwh = 0.065 %int = 10.0
life in years = 10
Power Cost/Season = $ 918
Present Worth = $ 5605

G. Reviewed By: Robert Bergen Date: 3/30/92

Approved By: _____ Date: _____

Cooperator's Signature: Larry Hopkins Date: 3-30-92

March 17, 1997

TO: Idaho Department of Water Resources
Boise, Idaho

FROM: Randy Lowe, Environmental Engineer, Monsanto Chemical, Soda Springs, Idaho

SUBJECT: Monsanto Soda Springs Plant Effluent Discharge Volume Statement

The Monsanto Soda Springs plant effluent discharge water flow rate is continuously measured using an electronic monitoring system. The hardware system used is a Miltronic Multi-Ranger Plus flowmeter with a ST25 ultrasonic head. A Yokagowa 2-pin chart recorder is used to record continuous effluent flow data.

Over the past six months, the continuous effluent water flow rate into Soda Creek has exceeded 2000 gpm.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 7, 1997

Gordon A. Aland
Monsanto Co.
P.O. Box 816
Soda Springs, ID 83276

RE: Transfer No. 4887

Dear Gordon:

I have reviewed the information you provided regarding Transfer No. 4887. It appears that sufficient means to confirm the rate of diversions from Soda Creek, and amount of wastewater injected into Soda Creek are in place to allow any necessary measurements. The department or watermaster of Water District No. 11B will contact you for any additional information or to discuss any problems should they occur.

Thank you for your efforts to address this condition of approval. I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7947 and I will be happy to help you.

Sincerely,

JIM JOHNSON
Water Rights Section Manager

Form 222 ..
1-87

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5619

RECEIVED
JUL 14 2000
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED
DEC 10 1999
Department of Water Resources
Southern Region

Name of applicant P4 Production, L.L.C. Phone 208-547-4300

Post Office address P.O. Box 816, Soda Springs, Idaho 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 To reflect current irrigation practices.

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		
11-02106	10/11/1952	1.02cfs	Irrig	4/15		10/15
11-00448	6/01/1909	0.30 cfs	Irrig.	4/15	to	10/15
11-00457	2/10/1881	0.10 cfs	Irrig.	4/15	to	10/15
11-00471	2/10/1881	0.02 cfs	Irrig.	4/15	to	10/15
11-00499	5/01/1881	0.60 cfs	Irrig	4/15	to	10/15

2. Total amount of water being transferred 2.04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Soda Creek tributary to Bear River
4. Point(s) of Diversion: Waste water Soda Creek

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	6	9S	42E	Caribou	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	42E	6									31	20							51

Total acres 51

PART 1

6. General Information:

a. Description of diversion system Portable dams and current headgates

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Remaining lands will be used for non-irrigated hay and pasture.

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____.

_____

TRANS NO. 5619

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **11-00471**

STAGE: **DECREED**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.02 CFS	4.6 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 02/10/1881

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE:

IRRIGATION

			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	Lt	Ac	SUM
09S	42E	6									03	37	04	32	05	30		39		39	06	25											202.0
																															TOTAL ACRES		202.0

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

TRANS NO. 5619

Water Right No. **11-00471**

CONDITIONS/REMARKS:

7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
9. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.

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? N/O If yes, describe:

_____

_____

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 _____

TRANS NO. 5619

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **11-00448**

STAGE: **DECREED**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.30 CFS	49.0 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 06/01/1909

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE:

IRRIGATION

			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	Lt Ac	Lt Ac	SUM
09S	42E	6					03-37	04-32	05-30	39	39	06-25							202.0
																		TOTAL ACRES	202.0

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Water Right No. **11-00448**

CONDITIONS/REMARKS:

7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
9. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.

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? _____ If yes, describe:

_____

_____

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 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-00457

STAGE: DECREED

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 02/10/1881

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE:

IRRIGATION

			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	Lt Ac	Lt Ac	SUM
09S	42E	6					03-37	04-32	05-30	39	39	06-25							202.0
																		TOTAL ACRES	202.0

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

TRANS NO. 5619

Water Right No. **11-00457**

CONDITIONS/REMARKS:

7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
9. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

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? _____ If yes, describe:

_____

_____

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 _____

TRANS NO. 5619

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **11-00499**

STAGE: **DECREED**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	0.60 CFS	105.0 AF

SOURCE	TRIBUTARY OF
SODA CREEK	BEAR RIVER

Priority: 05/01/1881

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 36, Township 08S, Range 41E
NESE , Sec. 36, Township 08S, Range 41E
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE:

IRRIGATION

			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	Lt Ac	Lt Ac	SUM
09S	42E	6					03-37	04-32	05-30	39	39	06-25							202.0
																	TOTAL ACRES		202.0

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Water Right No. 11-00499

CONDITIONS/REMARKS:

7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

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? _____ If yes, describe:

_____

_____

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 _____

TRANS NO. 5619

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. **11-02106**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/15 to 10/15	2.00 CFS	707.0 AF

SOURCE	TRIBUTARY OF
WASTE WATER	SODA CREEK

Priority: 10/11/1952

LOCATION OF POINT(S) OF DIVERSION:
Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Injection: Lot 4(NWNW), Sec. 6, Township 09S, Range 42E
Rediversion: NWNE , Sec. 36, Township 08S, Range 41E
Rediversion: NESE , Sec. 36, Township 08S, Range 41E
Rediversion: NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

PLACE OF USE:

IRRIGATION

			NE				NW				SW				SE				
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09S	42E	6									03	37	04	32	05	30		39	202.0
												39	06	25					
																	TOTAL ACRES		202.0

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Water Right No. **11-02106**

CONDITIONS/REMARKS:

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion and combined sources under Transfer No. 4887 shall not exceed 7.12 cfs, nor total combined annual volume of 707.0 af for the irrigation of a combined total of 202.0 acres.
8. That portion of the total combined diversion rate authorized under Transfer No. 4887 from combined sources in excess of 4.04 cfs is limited to use for conveyance losses in delivery of these rights.
9. Prior to diversion of water under Right No. 11-02106, measuring devices of a type acceptable to the Department shall be permanently installed at the point of injection of waste water into Soda Creek and at all points of rediversion from Soda Creek.

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

_____

_____

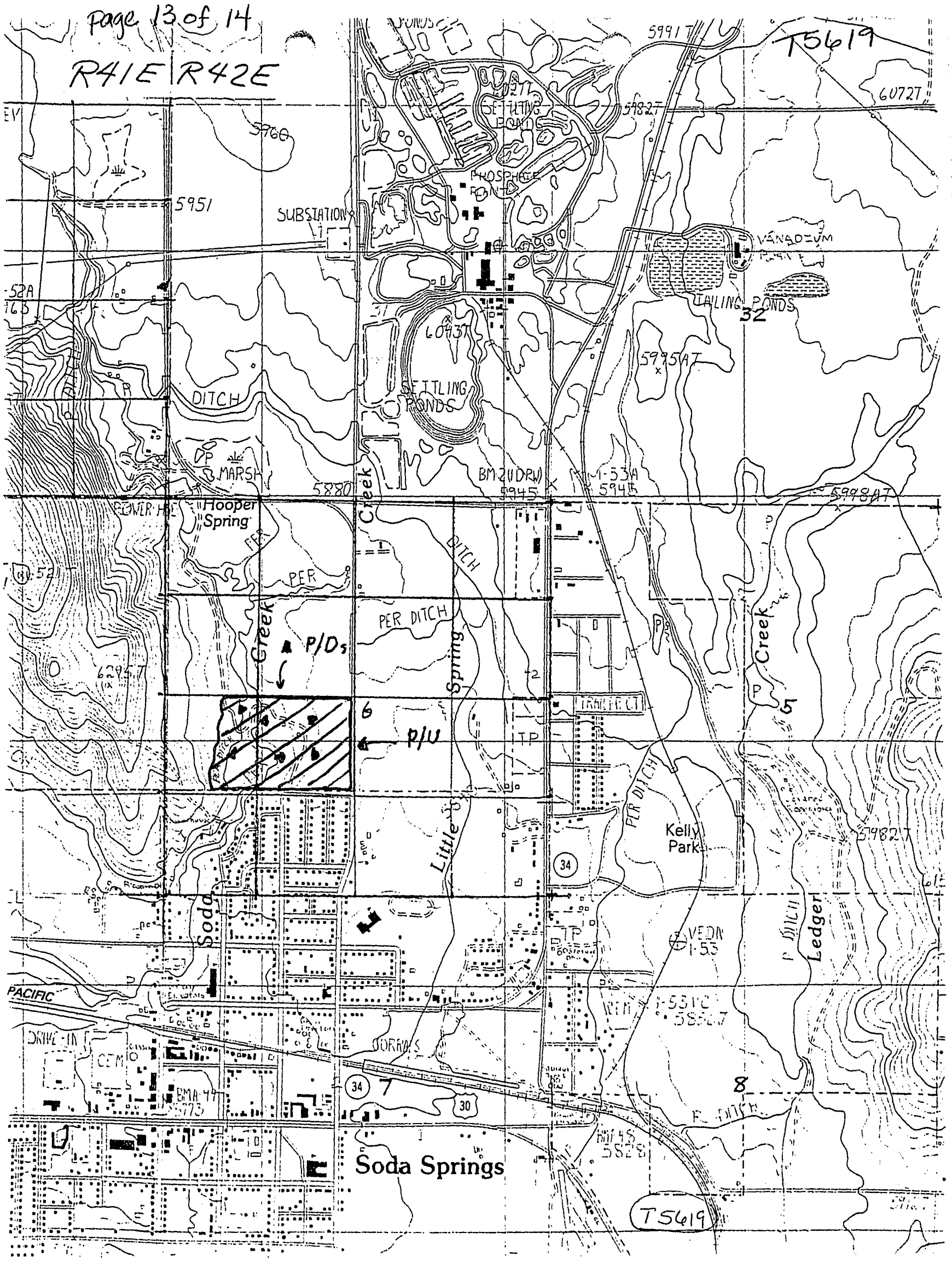
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

_____

_____

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 _____


R41E
R42E
T5619
5991T
6072T
5982T
5976
5951
SUBSTATION
SETTLING POND
PHOSPHATE PONDS
VANADIUM PONDS
TAILING PONDS
32
6043T
5995AT
SETTLING PONDS
DITCH
MARSH
BM 2 (DRW)
5945
M-53A
5945
5998AT
Hooper Spring
PER
Creek
PER DITCH
P/Ds
P/U
6
TRAILER CT
TP
Little Spring
PER DITCH
Kelly Park
34
Soda
PACIFIC
DRIVE-IN
CEM
BM 4-49
5773
DORRA'S
30
7
8
BM 4-53
5528
Soda Springs
VEDN
1-55
M-53VC
5856.7
T5619

Transfer No. 5619

PART 3

8. 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.

P4 PRODUCTION, L.L.C.
Randall C. Budge, authorized attorney
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of December, 19 99.

Marie Rogers
(Notary Public)

My commission expires 8/26/00

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and _____ attachments

Received by HWJ Date 12-10-99 Protest filed by _____

Prelim. check by _____ Fee #100.00

Receipted by HWJ #E025507 Date 12-10-99

Published in Caribou County Sun Copies of protest forwarded by _____

Pub. dates 1-12 & 1-19-2000. Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☑ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

LEASE OF WATER RIGHTS

Lease Agreement made and entered into April 22, 1999, between P4 PRODUCTION, L.L.C., whose address is P.O. Box 816, Soda Springs, Idaho 83276 (hereinafter "Lessor") and OREGON TRAIL GOLF COURSE OF SODA SPRINGS, IDAHO, whose address is in care of Bill Harris, 279 E. 3rd N., Soda Springs, Idaho 83276 (hereinafter "Lessee"):

1. **Leased Property.** Lessor hereby leases to Lessee and Lessee hereby leases from Lessor a portion of Lessor's right, title and interest in the following described water rights originally decreed in the District Court of the United States for the District of Idaho, Eastern Division, in Equity No. 201, in the case of Utah Power & Light Company, Plaintiff, vs. The Last Chance Canal Company, Limited, et al., Defendants, commonly known as the "Dietrich Decree", also identified as the following Idaho Department of Water Resource ("IDWR") Water Right Number:

Water Right No.	Priority	Quantity
11-00531B	5/01/1892	*1.00 cfs/197.4 AF

*(A portion of total right of 3.90 cfs/770AF)

2. **Term.** The term of this Lease shall be for a term of five (5) years, commencing April 20, 1999 and terminating September 30, 2003. Thereafter, this Lease will be automatically renewed and extended for successive additional one-year terms, unless and until terminated by either party as hereafter provided.

Either party may terminate this Lease at any time upon not less than ninety (90) days advance written notice.

3. **Rent.** For the use of the lease property Lessee shall pay to Lessor on or before April 1 of each year rent in the amount of $500 per cfs, a total of $500 per year. The first year's rent shall be due upon approval of the transfer application described in paragraph 7 allowing Lessee to use the water right.

4. **Non-Use by Lessor.** Lessor covenants that all lands to which the water rights are presently appurtenant shall not be irrigated from the described water right during the term of this Lease.

5. **Use by Lessee.** During the term of this Lease and during any extension, Lessee shall place to beneficial use for irrigation purposes, between April 20th and September 30th each year, all waters approved for use under the water rights and shall comply with all applicable federal, state and local laws and all rules and regulations of any agency, including IDWR applicable to such water rights, together with all state and federal environmental and water quality laws.

6. **Representations by Lessor.** Lessor covenants and represents that it is the true and lawful owners of the water rights and the land to which they are appurtenant, that these water rights have not lapsed, been abandoned, or forfeited, either in whole or in part and that nothing restricts or precludes Lessor from entering into this Lease and Lessee utilizing the described water rights.

7. **Transfer Application.** The parties acknowledge and agree that it will be necessary to make application and obtain IDWR approval to transfer the existing point of diversion and place of use of said water rights to Lessee's property; and, further, that upon termination of the Lease, it will be necessary to make application and secure IDWR approval to change the point of diversion and place of use back from Lessee's property to the original locations upon Lessor's property.

7.1 Lessee and Lessor will file and process all necessary applications with IDWR to transfer the places of use and points of diversion of the water rights on a temporary basis during the lease term.

7.2 Lessor and Lessee shall cooperate with each other in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving such transfers.

7.3 Lessor shall be responsible for the costs associated with accomplishing the foregoing transfers.

7.4 This Lease is conditioned upon IDWR's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee. In the event the transfer to Lessee's property is not granted, this Lease may be terminated at Lessee's option.

8. **Indemnification of Lessor.** Lessee agrees to indemnify and hold harmless Lessor from any and all claims and demands, including legal attorney fees and costs, which may arise directly or indirectly as a result of this lease or the transfer or use of the water rights by Lessee pursuant to this Lease.

9. **Breach.** In the event either party breaches this Lease and such defaults are not cured within thirty (30) days after receipt of written notice thereof, the non-breaching party, at their option, may elect to terminate this Lease and recover any damages or pursue any other remedy available under Idaho law by reason of such breach.

10. **Option to Purchase.** Should Lessor during the term of this Lease or any renewal thereof or at any time within one (1) year from the date of termination of this Lease decide to sell the leased water rights, and should Lessor receive a bona fide offer therefor acceptable to Lessor, the, before making any such sale or any agreement to sell, Lessor shall give Lessee notice in writing by certified or registered mail of Lessor's desire to sell and the complete terms of the offer, and Lessee shall have the exclusive right, for a period of sixty (60) days from the date of delivery of such notice,

to purchase the leased water rights at the amount of the offer. If Lessee fails to exercise the option herein granted and the water rights are actually sold by Lessor, such sale shall be made subject to this Lease.

11. Option to Renew Lease. Should Lessor decide to re-lease the water rights at the expiration of the lease term or any extension thereof or within one (1) year from the date of termination of this lease, and should Lessor receive an offer of lease therefor acceptable to Lessor, the, before making any such lease agreement, Lessor shall give Lessee notice in writing by certified or registered mail of Lessor's desire to re-lease the water rights, and Lessee shall have the exclusive right, for a period of sixty (60) days from the date of delivery of such notice, to re-lease the water rights at the amount and under the same terms and conditions of the offer.

12. Assignment. This Agreement may not be assigned by either party without the express written consent of the other.

13. Attorney Fees. In the event of any litigation over this Lease the prevailing party shall be entitled to recover reasonable attorney fees and costs.

14. Binding Effect. This Agreement shall be binding upon the respective heirs, successors and assigns of the parties.

LESSOR:
P4 PRODUCTION, L.L.C.

By _____ WJL
Name: James J. Kaimas
Title: Vice President
Date: 4-22-99

LESSEE:
CREGON TRAIL GOLF COURSE OF SODA SPRINGS, IDAHO

By _____
Name: BILLY J HARRIS
Title: President
Date: 31 March 1999

ATTEST:

_____

LEASE OF WATER RIGHTS

Lease Agreement made and entered into April 22, 1999, between P4 PRODUCTION, L.L.C., whose address is P.O. Box 816, Soda Springs, Idaho 83276 (hereinafter "Lessor") and LAST CHANCE CANAL COMPANY, LTD., whose address is P.O. Box 93, Grace, Idaho 83241 (hereinafter "Lessee"):

1. **Leased Property.** Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the following described water rights originally decreed in the District Court of the United States for the District of Idaho, Eastern Division, in Equity No. 201, in the case of Utah Power & Light Company, Plaintiff, vs. The Last Chance Canal Company, Limited, et al., Defendants, commonly known as the "Dietrich Decree", also identified as the following Idaho Department of Water Resource ("IDWR") Water Right Numbers:

Water Right No.	Priority	Quantity
11-00448	6/01/1909	0.30 cfs/49.0 AF
11-00449	5/01/1910	0.20 cfs/72.6 AF
11-00457	2/10/1881	0.10 cfs/17.5 AF
11-00471	2/10/1881	0.02 cfs/4.6 AF
11-00499	5/01/1881	0.60 cfs/105.0 AF
11-00531B	5/01/1892	*1.80 cfs/355.4 AF
Total:		3.02 cfs/604.1 AF

*(A portion of total right of 3.90 cfs/770AF)

2. **Term.** The term of this Lease shall be for a term of five (5) years, commencing April 20, 1999, and terminating on September 30, 2003. Thereafter, this Lease will be automatically renewed and extended for successive additional one-year terms, unless and until terminated by either party as hereafter provided.

Either party may terminate this Lease at any time upon not less than ninety (90) days advance written notice.

3. **Rent.** For the use of the lease property Lessee shall pay to Lessor on or before April 1 of each year rent in the amount of $500 per cfs, a total of $1510 per year. The first year's rent shall be due upon approval of the transfer application described in paragraph 7 allowing Lessee to use the water right.

4. **Non-Use by Lessor.** Lessor covenants that all lands to which the water rights are presently appurtenant shall not be irrigated from the described water right during the term of this Lease.

5. **Use by Lessee.** During the term of this Lease and during any extension, Lessee shall place to beneficial use for irrigation purposes, between April 20th and September 30th of each year, all waters approved for use under the water rights and shall comply with all applicable federal, state and local laws and all rules and regulations of any agency, including IDWR applicable to such water rights, together with all state and federal environmental and water quality laws.

6. **Representations by Lessor.** Lessor covenants and represents that it is the true and lawful owners of the water rights and the land to which they are appurtenant, that these water rights have not lapsed, been abandoned, or forfeited, either in whole or in part and that nothing restricts or precludes Lessor from entering into this Lease and Lessee utilizing the described water rights.

7. **Transfer Application.** The parties acknowledge and agree that it will be necessary to make application and obtain IDWR approval to transfer the existing point of diversion and place of use of said water rights to Lessee's property; and, further, that upon termination of the Lease, it will be necessary to make application and secure IDWR approval to change the point of diversion and place of use back from Lessee's property to the original locations upon Lessor's property.

7.1 Lessee and Lessor will file and process all necessary applications with IDWR to transfer the places of use and points of diversion of the water rights on a temporary basis during the lease term.

7.2 Lessor and Lessee shall cooperate with each other in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving such transfers.

7.3 Lessor shall be responsible for the costs associated with accomplishing the foregoing transfers.

7.4 This Lease is conditioned upon IDWR's approval of a transfer of the water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned or leased by Lessee. In the event the transfer to Lessee's property is not granted, this Lease may be terminated at Lessee's option.

8. **Indemnification of Lessor.** Lessee agrees to indemnify and hold harmless Lessor from any and all claims and demands, including legal attorney fees and costs, which may arise directly or indirectly as a result of this lease or the transfer or use of the water rights by Lessee pursuant to this Lease.

9. **Breach.** In the event either party breaches this Lease and such defaults are not cured within thirty (30) days after receipt of written notice thereof, the non-breaching party, at their option, may elect to terminate this Lease and recover any damages or pursue any other remedy available under Idaho law by reason of such breach.

10. **Option to Purchase.** Should Lessor during the term of this Lease or any renewal thereof or at any time within one (1) year from the date of termination of this Lease decide to sell the leased water rights, and should Lessor receive a bona fide offer therefor acceptable to Lessor, the, before making any such sale or any agreement to sell, Lessor shall give Lessee notice in writing by certified or registered mail of Lessor's desire to sell and the complete terms of the offer, and Lessee shall have the exclusive right, for a period of sixty (60) days from the date of delivery of such notice, to purchase the leased water rights at the amount of the offer. If Lessee fails to exercise the option herein granted and the water rights are actually sold by Lessor, such sale shall be made subject to this Lease.

11. **Option to Renew Lease.** Should Lessor decide to re-lease the water rights at the expiration of the lease term or any extension thereof, and should Lessor receive an offer of lease therefor acceptable to Lessor, the, before making any such lease agreement, Lessor shall give Lessee notice in writing by certified or registered mail of Lessor's desire to re-lease the water rights, and Lessee shall have the exclusive right, for a period of sixty (60) days from the date of delivery of such notice, to re-lease the water rights at the amount and under the same terms and conditions of the offer.

12. **Assignment.** This Agreement may not be assigned by either party without the express written consent of the other.

13. **Attorney Fees.** In the event of any litigation over this Lease the prevailing party shall be entitled to recover reasonable attorney fees and costs.

14. **Binding Effect.** This Agreement shall be binding upon the respective heirs, successors and assigns of the parties.

LESSOR:
P4 PRODUCTION, L.L.C.

By _____ WPL
Name: JAMES J. KAUMAN
Title: VICE PRESIDENT
Date: 4-22-99

LESSEE:
LAST CHANCE CANAL COMPANY, LTD.

_____
MARCUS J. GIBBS, President
Date: 3/26/99
ATTEST:

_____
DeAnn Maughan, Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

This is to certify that: **P4 PRODUCTION LLC**
PO BOX 816
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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 11-00448 :			
IRRIGATION	04/15 to 10/15	0.30 CFS	49.0 AF
Priority: 06/01/1909			
Right No. 11-00457 :			
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF
Priority: 02/10/1881			
Right No. 11-00471 :			
IRRIGATION	04/15 to 10/15	0.02 CFS	4.6 AF
Priority: 02/10/1881			
Right No. 11-00499 :			
IRRIGATION	04/15 to 10/15	0.60 CFS	105.0 AF
Priority: 05/01/1881			
	SUBTOTAL:	1.02 CFS	176.1 AF
Right No. 11-02106 :			
IRRIGATION	04/15 to 10/15	1.02 CFS	178.5 AF
Priority: 10/11/1952			
TOTAL:		* 1.02 CFS	178.5 AF *

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

SOURCE	TRIBUTARY OF
Right No. 11-00448, 11-00457, 11-00471, 11-00499 :	
SODA CREEK	BEAR RIVER
Right No. 11-02106 :	
WASTE WATER	SODA CREEK

LOCATION OF POINT(S) OF DIVERSION:

Right No. 11-00448, 11-00457, 11-00471, 11-00499 :
NESW , Sec. 6, Township 09S, Range 42E
CARIBOU County

Right No. 11-02106 :

	Lot 4 (NWNW), Sec. 6, Township 09S, Range 42E	
Injection	Lot 4 (NWNW), Sec. 6, Township 09S, Range 42E	
Rediversion	NESW , Sec. 6, Township 09S, Range 42E	
	CARIBOU County	

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
09S	42E	6	NESW	31	NWSW	20			51
					Total number of acres irrigated:				51 **

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 11B.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

** 6. Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season.

** 7. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 5619
WATER RIGHT NO(S). 11-00448/11-00457/11-00471
11-00499/11-02106

CONDITIONS OF APPROVAL AND REMARKS

** 8. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season.

** 9. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season.

** 10. The right holder shall cease irrigation of 151.0 acres and shall cease the associated diversion of 0.98 cfs and 386.8 afa of waste water previously authorized under Right 11-02106, and shall consolidate use of water on the remaining 51.0 acres as described on this approval.

* 11. Rights 11-00448, 11-00457, 11-00471, 11-00499 and 11-02106 when combined shall not exceed a total diversion rate of 1.02 cfs or a total annual maximum diversion volume of 178.5 af at the field headgate from the Soda Creek diversion for the irrigation of 51.0 acres.

12. Prior to the diversion and use of water under Right 11-02106, the right holder shall install and maintain acceptable measuring devices at the point of injection into Soda Creek and at the point of rediversion from Soda Creek.

13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dated this 19th day of October, 2000

L. Glenn Saxton

Chief, Water Allocation Bureau

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5619

Notice is hereby given that P4 Production LLC, PO Box 816, Soda Springs ID 83274, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of surface water sources. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.:	11-00471	Source: Soda Creek/Bear River
Amount:	4.6 cfs	Priority: 02/10/1881
Decree No.:	11-00448	Source: Soda Creek/Bear River
Amount:	0.30 cfs	Priority: 06/01/1909
Decree No.:	11-00457	Source: Soda Creek/Bear River
Amount:	0.10 cfs	Priority: 02/10/1881
Decree No.:	11-00499	Source: Soda Creek/ Bear River
Amount:	0.60 cfs	Priority: 05/01/1881
Decree No.:	11-02106	Source: Waste Water/Soda Creek
Amount:	2.00 cfs	Priority: 10/11/1952

Point(s) of Diversion: NWNE SEC 36 T08S R41E, CARIBOU COUNTY
NESE SEC 36 T08S R41E, CARIBOU COUNTY
NESW SEC 6 T09S R42E, CARIBOU COUNTY

The water is used for irrigation of 202 acres within SEC 6 T09S R42E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is leaving the above rights on 51 acres of the original farm located in the N1/2 SW1/4 Sec 6 T09S R42E. The point of diversion remains as the NESW Sec 5 T09S R42E.

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 January 31, 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 January 12 and 19, 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 4, 2000

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 January 31, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

Mailed
1/5/2000
JC

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

January 4, 2000

CRAIG HILL
WATERMASTER #11-B
220N 3RD E
SODA SPRINGS ID 83276

RE: Applications for Transfer #5619, 5620 AND 5621

Dear Craig:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by January 31, 2000.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

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

January 4, 2000

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83274

RE: Application for Transfer #5619, 5620 and 5621

Dear Applicant:

This office is currently in the process of advertising the application in the Caribou County Sun on January 12 and 19, 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

Harold W. Jones
Water Right Supervisor

HWJ::sc

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

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF

RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: randy-b@racinelaw.net

ERIC S. HUNN
DAVID E. ALEXANDER**
LISA M. CHRISTON***
RICHARD A. HEARN, M.D.****
ERIC L. OLSEN
WARREN W. DOWDLE
LANE V. ERICKSON

**ALSO MEMBER MO BAR
***ALSO MEMBER IL BAR
****ALSO MEMBER D.C. BAR

February 3, 2000

RECEIVED
FEB 0 4 2000
Department of Water Resources
Eastern Region

Harold Jones
Senior Water Rights Analyst
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: Monsanto-P4 Production, L.L.C - Water Right Leases.

Dear Harold:

Per our phone conversation and your request, I am enclosing a copy of the Form 42-1409(7),, New Property Owner Notice of Change of Water Right Ownership, together with the attached Deed evidencing the transfer of the subject property from Monsanto to P4. Also enclosed is my previous transmittal letter concerning the same dated November 10, 1998.

It is my understanding that this has been misplaced. Based on this letter and the enclosures, please update the Department's records to reflect P4 as the owner of all water rights in the name of Monsanto, Monsanto Company or Monsanto Chemical Company.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Dave Farnsworth (w/o encls.)

LOUIS F RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
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DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

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

TELEPHONE (208) 232-6101
FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, SMITH
& ASSOCIATES
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
NEAL S. RANDALL

†ALSO ADMITTED IN CA

November 10, 1998

RECEIVED
FEB 04 2000
Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: Monsanto-P4 Production, L.L.C.

Dear Harold:

Enclosed please find for filing a New Property Owner Notice of Change of Water Right Ownership-Form 42-1409(7). This is being submitted on behalf of Monsanto for the purpose of changing ownership to P4 Production, L.L.C.

The water rights to be transferred consist of all known water rights in the name of Monsanto, Monsanto Company, or Monsanto Chemical Company. Those that I am aware of are identified in the attached "Summary of Water Rights". All are in Monsanto's name except for 27-07451 and 27-07452 which I note are in the name of the State of Idaho Department of Lands. I am in the process of contacting the Department of Lands to see if these water rights can be transferred into P4's name. I note that no SRBA claims have been filed on them.

I am preparing proposed SRBA Claims for 27-07451 and 27-07452 (commonly known as the Enoch Valley Wells) and also number 27-07369 (commonly known as the Ballard Mine Office). These three appear to be in the Snake drainage and all require SRBA claims.

On behalf of P4 Production, L.L.C., I am in the process of compiling a summary of water rights together with supporting documentation. Accordingly, I would appreciate it if you would provide for each right a current Water Right Report, together with a copy of each underlying Application, Permit, License, Transfer, etc. If there are any copying or research charges, please provide a statement and I'll promptly remit. I would be happy to meet with you to review and compile this information or discuss any questions you may have by phone.

Thank you for your cooperation and assistance.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: P4 Production, Inc,:
Robert L. Geddes
David W. Farnsworth

Form (3-1409.7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
FEB 0 4 2000
Department of Water Resources
Eastern Region

DATE OF CLOSING: 9/1/97

LEGAL DESCRIPTION OF PROPERTY: Township_____ Range_____
Section_____,_____1/4 of_____1/4 of_____1/4,Govt. Lot_____, BM.
Lot_____,Block,_____,Subdivision/Townsite_____.
If you have additional legal descriptions, please attach separate sheet.
See attached Special Warranty Deed, Instrument No. 154974.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number(s) Assigned by IDWR: See attached "Water Right Summary"

[X] Name and Address of Former Owner/Claimant(s)(Seller): Monsanto/Monsanto Co./Monsanto Chemical Co./
Monsanto Company

[ ] New Owner/Claimant (Purchaser): P4 Production, L.L.C.

[ ] New Mailing Address: P.O. Box 816
Highway 34 North
Soda Springs, ID 83276

[ ] New Telephone Number: (208) 547-4300

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[ ] Attach proof of ownership, describe proof attached: See attached Special Warranty Deed, Instrument No. 154974

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) _____ Date
_____ Date

[ ] Signature of Former Owner/Claimant(s): _____ Date
_____ Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:
Further Action Needed:

Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Monsanto

FROM (NAME, LOCATION, PHONE) Roy G. Cooper E2NK 4-2805

DATE: October 24, 1997

SUBJECT: Soda Springs, Idaho

cc: Luke Kissam (Deed Enclosed)
Dave Farnsworth 1850

TO: Charlotte Keating E3SA

Enclosed for the Central Real Estate Files please find the following:

1. Commitment for Title Insurance which covers the Soda Springs Plant and all related properties except two small tracts of land which were discovered later but which were included in the Deed.

2. Special Warranty Deed from Monsanto Company to P4 Production, L.L.C. which shows recording data.

Roy G. Cooper

Roy G. Cooper

Enclosure

Transfer all water rts to P4

THIS INSTRUMENT FILED FOR RECORD BY CARIBOU LAND TITLE INC. AS AN ACCOMODATION ONLY. IT HAS NOT BEEN EXAMINED AS TO ITS EXECUTION OR AS TO ITS EFFECT UPON THE TITLE.

154974 STATE OF IDAHO
County of Caribou
Date: Sept. 2, 1997
Time: 2:00 P.M.
Microfilm Records
Recorder: Edie Izatt
Deputy: Denise Hawley
Fee: 117.00 CT

SPECIAL WARRANTY DEED

(Idaho)

For Value Received, MONSANTO COMPANY, a Delaware corporation, the Grantor, does hereby bargain, sell and convey unto P4 Production, L.L.C., a Delaware Limited Liability Company, whose current address is Highway 34 North, Soda Springs, ID 83276, the Grantee, the following described premises, in Caribou County, Idaho, to wit:

The real estate described in Exhibit A attached hereto and incorporated herein by reference.

TOGETHER WITH (i) 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 the above described property or any part thereof, and (ii) 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 the above described property or any part thereof.

SUBJECT TO (i) easements, rights-of-way, restrictions and all other matters of record, (ii) matters which a survey or inspection of the property would reveal, (iii) general real estate taxes payable in the current year and thereafter, and (iv) special taxes assessed or becoming a lien after the date hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it will warrant and defend the premises from all lawful claims of all persons claiming by, through or under Grantor but none other, excepting, however the matters above set forth.

Dated: As of September 1, 1997

ATTEST:

Donna M. Davis
Assistant Secretary

MONSANTO COMPANY

By
Vice President

Idaho.Deed

154974

STATE OF MISSOURI)
) ss:
COUNTY OF ST. LOUIS)

On this 27th day of August, in the year 1997, before me, Andrea Groppe a Notary Public, personally appeared Michael W. Winkel, to me known to be a Vice President of MONSANTO COMPANY and known to me to be the person who executed the above 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.

Andrea Groppe
Notary Public, residing at
St. Louis Co., MO

My Commission expires on _____, 1997.

ANDREA CROPPE
Notary Public - Notary Seal
STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. JAN. 4,2000

EXHIBIT A

154974

Caribou County, Idaho:

TRACT I:

Township 8 South, Range 42 East of the Boise Meridian:

Section 19: S½SE¼.
Section 29: W½SW¼, ALSO, all that portion of the SE¼SW¼ lying Westerly of the Westerly right of way line of State Highway No. 34.
ALSO, all that portion of the NW¼SE¼ and NE¼SW¼ lying Westerly of the Westerly right of way line of State Highway No. 34, more particularly described as follows:
Beginning at the center of said Section 29, said corner being North 89°53'59" West 2676.01 feet from the East Quarter corner of said Section 29, said point of beginning being a 5/8" rebar with cap labelled "A.A. HUDSON, PLUS 4735", and running
thence South 89°53'59" East 316.45 feet along the latitudinal centerline of said Section 29 to a 5/8" rebar with cap set on the Westerly right of way of Idaho State Highway No. 34;
thence South 32°32'19" West 1364.70 feet along said right of way line to a 5/8" rebar with cap set at the beginning of a 5782.20 foot radius curve concave to the Southeast;
thence continuing along said right of way line Southwesterly along said curve through a central angle of 01°52'33" a distance of 189.30 feet (Chord=South 31°43'42" West 189.29 feet) to a 5/8" rebar with cap set on the South one-sixteenth line of said Section 29;
thence South 89°47'47" West 791.87 feet along said one-sixteenth line to a 5/8" rebar with cap set at the Southwest one-sixteenth corner of said Section 29;
thence North 00°46'26" West 1317.30 feet along the West one-sixteenth line of said Section 29 to a 5/8" rebar with cap set at the Center West one-sixteenth corner of said Section 29;
thence South 89°53'59" East 1326.79 feet along said latitudinal centerline, to the point of beginning.
ALSO, All that part of the SW¼NE¼ lying East of the Monsanto Haul Road.
Section 30: Lots 2 and 3, NE¼SW¼, E½,
EXCEPT THEREFROM, a strip of land 50 feet wide, being 25 feet on each side of the centerline lying over and across the SE¼NE¼ of Section 25, Township 8 South, Range 41 East of the Boise Meridian, and over and across Lots 2 and 3, and the NE¼SW¼ of Section 30, Township 8 South, Range 42 East of the Boise Meridian, said centerline being more particularly described as follows:
Beginning at a point on the West fence line of grantor's land, which point is 25 feet South of the intersection of the said West fence line with the North line of the said SE¼NE¼ of said Section 25, and

1285 feet, more or less, West of the East line of said Section 25, and running
thence Easterly, parallel to and 25 feet distance Southerly from the said North line of said SE¼NE¼ of said Section 25 and 25 feet distant Southerly from and parallel to the North line of Lot 2 of said Section 30, to a point 25 feet West of the Westerly base of a lava reef in the Northeasterly portion of said Lot 2;
thence Southeasterly parallel to and 25 feet distant Westerly from the base of said lava reef to the Southerly surface end of said lava reef;
thence continuing Southeasterly to and around and 25 feet distant from the Southerly and Westerly side of a second lava reef situated in or near the Southeast corner of said Lot 2 and in or near the Northeast corner of said Lot 3 of said Section 30;
thence Southeasterly between two additional lava reefs to a point 25 feet East of the Easterly side thereof;
thence running Northeasterly to a point 25 feet South of the North line of said NE¼SW¼ of said Section 30;
thence Easterly parallel to and 25 feet distant Southerly from the said North line of said NE¼SW¼ of said Section 30, to a point 25 feet West of the East fence line of grantor's land in the said NE¼SW¼ of said Section 30;
thence Southerly, parallel to and 25 feet distance Westerly from said East fence line of Grantor's land to the South line of the said NE¼SW¼ of said Section 30, Township 8 South, Range 42 East of the Boise Meridian.

Section 31: E½.

Section 32: All that portion of the NW¼ and the W½SW¼ lying Westerly of the Westerly right of way of State Highway 34 as the same now exists.
ALSO, Beginning at the Southwest corner of Section 32; thence North 00°33'26" East 60 feet to a found 5/8" rebar, the True Point of Beginning, and running
thence North 00°25'51" West 654.08 feet along the East right of way line of of Highway No. 34 to a highway right of way monument, which is the P.C. of a 1860.00 foot radius curve to the right;
thence Northerly along said curve through a central angle of 02°05'01", an arc length of 67.64 feet, the chord of which bears North 01°17'53" East, and having a chord distance of 67.64 feet to a point of tangency, which is a 5/8" rebar with cap labelled "A.A. HUDSON PLUS 4735";
thence South 37°20'30" East 804.98 feet to a 5/8" rebar with cap;
thence South 16°32'26" East 81.09 feet to a found 5/8" rebar;
thence South 90°33'07" West 507.99 feet, to the true point of beginning.
ALSO, a tract of land 200 feet in width, adjoining the westerly side of the Conda-Soda Springs Railroad right of way and running Northwesterly therefrom to and adjoining the Easterly side of State Highway No. 34 and situated in the

SW¼SW¼ of Section 32, and further described as situated 100 feet on each side of the following described centerline, to-wit:

Beginning at a point on the West boundary line of said Conda-Soda Springs railroad right of way located 439 feet East and 358 feet North of the Southwest corner of said Section 32, and running

thence Northwesterly to a point 933.4 feet North of said Southwest corner of Section 32, which last point intersects the Easterly boundary line of said State Highway No. 34;

Township 8 South, Range 41 East of the Boise Meridian:

Section 25: Beginning at the East Quarter corner of said Section 25, and running

thence South 89°24' West along the South line of the SE¼NE¼ of said Section 25, 733 feet, more or less, to the Easterly boundary line of State Highway, as the same presently exits;

thence North 21°25' West along said Easterly boundary line of said State Highway a distance of 1438 feet, more or less, to the North line of the said SE¼NE¼ of Section 25;

thence South 89°48' East along said North line, a distance of 1285 feet, more or less, to the Northeast corner of the SE¼NE¼ of said Section 25;

thence South along the East line of said Section 25, a distance of 1326 feet, more or less, to the point of beginning.

ALSO, Beginning at the East Quarter corner of said Section 25, and running

thence West 750 feet, more or less, to the Easterly right of way line of the Soda Springs-Hooper-North Highway;

thence Southeasterly along said Easterly right of way 1420 feet, more or less, to an intersection with the South 1/16th line of said Section 25;

thence East along said South 1/16th line 240 feet, more or less, to the East line of said Section 25;

thence North along the East line of Section 25, 1320 feet,

to the point of beginning.

Township 9 South, Range 41 East of the Boise Meridian:

Section 1: Lots 1 and 2, the SE¼NE¼ and the NE¼SE¼.

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

Section 6: Lots 1, 2, 3, 4, 5 and 6, SE¼NW¼, NE¼SW¼.

EXCEPT THEREFROM, the following tracts:

1. Beginning at the point of intersection of the West line of State Highway No. 34, and the South line of Hooper Springs Road, which point is approximately 86 feet West and 100 feet South from the Northeast corner of said Section 6; thence

continuing South along the Westerly right of way line of said Highway No. 34, a distance of 208.7 feet, to the True Point of Beginning, and running
thence continuing South along the Westerly right of way line of Highway No. 34, a distance of 1011.3 feet, more or less, to the South line of the NE¼NE¼ of said Section 6;
thence West along said South line 440 feet;
thence North 1011.3 feet;
thence East 440 feet, to the point of beginning.

2. Beginning at a point on the South boundary of the NE¼SW¼ of said Section 6, 316 feet East of the Southwest Corner of said NE¼SW¼, said point of beginning is on the extended West line of Second East Street and 100 feet North of the Northeast Corner of Lot 16 of Lover's Delight Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under recorder's instrument No. 31035, and running
thence North 30 feet; thence West 135 feet;
thence South 30 feet; thence East 135 feet,
to the point of beginning.

3. Beginning at a point on a fence line on the West side of a hydroelectric power plant diversion canal for Soda Springs, City, called Feeney Ditch, said point being North 31°26'32" East 1643.95 feet from the Southwest Corner of said Section 6, and running
thence Northerly along the West side of said ditch and the West side of Soda Creek through the following 43 courses:
thence North 13°19'26" West 35.727 feet;
thence North 31°06'26" West 62.457 feet;
thence North 17°30'16" West 48.516 feet;
thence North 0°53'56" East 43.818 feet;
thence North 20°37'29" East 89.416 feet;
thence North 7°10'05" East 75.188 feet;
thence North 15°05'22" East 113.638 feet;
thence North 20°48'41" East 99.585 feet;
thence North 21°17'18" East 57.130 feet;
thence North 51°06'59" East 41.072 feet;
thence North 86°27'00" East 56.782 feet;
thence North 48°42'39" East 26.779 feet;
thence North 15°48'53" East 29.311 feet;
thence North 4°17'03" West 104.345 feet;
thence North 35°39'38" West 74.546 feet;
thence North 15°44'25" East 38.717 feet;
thence North 59°49'51" East 39.418 feet;
thence North 4°09'38" East 95.954 feet;
thence North 8°40'26" West 61.980 feet;
thence North 21°58'28" West 50.618 feet;

thence North 12°45'42" West 63.222 feet;
thence North 42°26'30" East 33.824 feet;
thence South 84°52'56" East 42.025 feet;
thence North 59°17'26" East 30.011 feet;
thence North 20°35'17" East 60.713 feet;
thence North 9°16'23" West 69.973 feet;
thence North 27°10'29" West 137.201 feet;
thence North 25°09'05" West 111.388 feet;
thence North 35°21'37" West 149.842 feet;
thence North 19°47'40" West 68.129 feet;
thence North 2°48'00" East 78.494 feet;
thence North 25°38'06" East 140.616 feet;
thence North 1°54'56" West 64.073 feet;
thence North 10°38'25" West 53.671 feet;
thence North 0°18'22" East 88.561 feet;
thence North 47°10'09" West 78.897 feet;
thence North 43°10'11" West 59.379 feet;
thence North 26°35'45" West 153.022 feet;
thence North 18°03'30" West 186.528 feet;
thence North 17°27'10" West 146.095 feet;
thence North 1°47'04" West 106.375 feet;
thence North 18°32'19" West 75.045 feet;
thence North 61°23'47" West 128.858 feet;
thence North 23°41'40" East 78.316 feet across Soda Creek;
thence Southerly along Soda Creek and the East side of "Feeney Ditch" through the following 38 courses:
thence South 66°06'24" East 94.330 feet;
thence South 23°58'59" West 50.037 feet;
thence South 66°06'42" East 74.050 feet;
thence South 22°40'14" East 80.690 feet;
thence South 1°02'21" East 114.400 feet;
thence South 17°41'12" East 161.210 feet;
thence South 16°27'50" East 150.470 feet;
thence South 29°08'23" East 166.010 feet;
thence South 56°13'49" East 42.870 feet;
thence North 63°39'35" East 64.490 feet;
thence South 26°20'25" East 60.000 feet;
thence South 63°39'35" West 30.000 feet;
thence South 1°10'58" East 278.680 feet;
thence South 22°33'17" West 149.730 feet;
thence South 1°59'22" East 46.470 feet;
thence South 31°30'51" East 170.880 feet;
thence South 28°39'06" East 148.800 feet;
thence South 24°55'33" East 164.380 feet;

thence South 2°40'36" West 78.000 feet;
thence South 25°07'52" West 74.540 feet;
thence South 80°00'11" East 50.000 feet;
thence South 10°00'00" West 50.000 feet;
thence North 80°00'00" West 77.610 feet;
thence South 4°03'10" West 86.300 feet;
thence South 13°30'53" East 90.390 feet;
thence South 21°29'49" West 111.140 feet;
thence South 11°27'46" East 59.850 feet;
thence South 5°54'53" East 123.360 feet;
thence South 26°15'49" West 33.600 feet;
thence South 47°02'44" West 55.570 feet;
thence South 73°30'37" West 51.810 feet;
thence South 39°35'50" West 41.680 feet;
thence South 21°11'11" West 126.080 feet;
thence South 14°40'26" West 109.440 feet;
thence South 7°45'02" West 96.180 feet;
thence South 18°11'45" West 72.300 feet;
thence South 23°34'28" East 168.590 feet;
thence North 87°16'09" West 70.283 feet,
to the point of beginning.

154974

Caribou County, Idaho:

TRACT II:

Township 8 South, Range 41 East of the Boise Meridian:

Section 25: SW¼NW¼, S½S½NW¼NW¼, ALSO, Beginning at a point 1482 feet West of the Northeast corner of the SW¼ of Section 25, and running
thence South 00°51' East 280 feet;
thence South 44°38' East 200 feet;
thence South 36°05' East 423 feet;
thence South 22°17' East 212 feet;
thence South 04°59' East 214 feet;
thence South 02°05' East 162 feet;
thence South 01°27' West 500 feet;
thence South 03°49' East 414 feet;
thence South 02°51' East 372 feet, more or less, to the South line;
thence West along the South section l360 feet, more or less, to a point 330 feet East of the Southwest corner of said Section 25;
thence North parallel to the West section line, 2640 feet, more or less, to a point on latitudinal centerline of said Section 25;
thence East along said latitudinal centerline 828 feet, more or less,
to the point of beginning.
ALSO, the North 50 feet of the SE¼NW¼ and the SW¼NE¼, EXCEPT any portion thereof lying Easterly of the Westerly right of way line of State Highway.
ALSO, a strip of land 50 feet wide, being 25 feet on each side of the centerline lying over and across the SE¼NE¼ of said Section 25, Township 8 South, Range 41 East of the Boise Meridian, over and across Lots 2 and 3, and the NE¼SW¼ of Section 30, Township 8 South, Range 42 East of the Boise Meridian, said centerline being more particularly described as follows:
Beginning at a point on the West fence line of grantor's land,
which point is 25 feet South of the intersection of the said West fence line with the North line of the said SE¼NE¼ of said Section 25, and 1285 feet, more or less, West of the East line of said Section 25,
and running
thence Easterly, parallel to and 25 feet distance Southerly from the said North line of said SE¼NE¼ of said Section 25 and 25 feet distant Southerly from and parallel to the North line of Lot 2 of said Section 30, to a point 25 feet West of the Westerly base of a lava reef in the Northeasterly portion of said Lot 2;
thence Southeasterly parallel to and 25 feet distant Westerly from the base of said lava reef to the Southerly surface end of said lava reef;
thence continuing Southeasterly to and around and 25 feet distant from the

Southerly and Westerly side of a second lava reef situated in or near the Southeast corner of said Lot 2 and in or near the Northeast corner of said Lot 3 of said Section 30;
thence Southeasterly between two additional lava reefs to a point 25 feet East of the Easterly side thereof;
thence running Northeasterly to a point 25 feet South of the North line of said NE¼SW¼ of said Section 30;
thence Easterly parallel to and 25 feet distant Southerly from the said North line of said NE¼SW¼ of said Section 30, to a point 25 feet West of the East fence line of grantor's land in the said NE¼SW¼ of said Section 30;
thence Southerly, parallel to and 25 feet distance Westerly from said East fence line of Grantor's land to the South line of the said NE¼SW¼ of said Section 30, Township 8 South, Range 42 East of the Boise Meridian:

Section 26: SW¼NW¼, SW¼, NW¼SE¼, S½SE¼NW¼, W½SW¼SE¼, W½E½SW¼SE¼.

Section 27: E½NE¼, EXCEPT THEREFROM, the following tract:
Beginning at the Northeast corner of Section 27; and running
thence West 330 feet;
thence Southeasterly to the Southeast corner of the NE¼NE¼ of Section 27;
thence North along the East boundary of the NE¼NE¼ a distance of 1320 feet, more or less, to the point of beginning.

Section 35: NE¼NW¼, NW¼NE¼, SE¼,
ALSO, Beginning at the Southwest corner of the SE¼NE¼ of said Section 35, and running
thence East 330 feet;
thence Northwesterly to the Northwest corner of said SE¼NE¼;
thence South along the West line of said SE¼NE¼ 1320 feet, more or less, to the point of beginning.
EXCEPT THEREFROM, the N½NE¼NE¼SE¼.
EXCEPT THEREFROM, Beginning at the Northeast corner of the NW¼NE¼ of said Section 35, and running
thence West 330 feet;
thence Southeasterly to the Southeast corner of the NW¼NE¼;
thence North along the East line of the NW¼NE¼, a distance of 1320 feet, more or less, to the point of beginning.

Caribou County, Idaho:

TRACT III:

Township 8 South, Range 43 East of the Boise Meridian:

Section 13: SE¼NE¼, E½SE¼.
Section 24: NE¼NE¼.

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

Section 7: Lots 3 and 4 (W½SW¼).
Section 18: Lots 1, 2, 3 and 4, E½W½.
Section 19: Lots 1, 2, 3 and 4, E½W½.
Section 30: Lots 1 and 2, E½NW¼, EXCEPT THEREFROM, the following tract:
Beginning at the Northeast corner of the NW¼ of said Section 30,
and running
thence due West for a distance of 652 feet to a point on the fence line due East of Slug Creek Road;
thence on a bearing of South 30°25' East for a distance of 1920 feet following the fence line paralleling the road;
thence on a bearing of South 50°35' East for a distance of 660 feet following the fence line to a point on the quarter section line diving the NW¼ and the NE¼ of said Section 30;
thence North on this quarter section line for a distance of 2332 feet to the point of beginning.

Township 7 South, Range 43 East of the Boise Meridian:

Section 6: Lot 6, ALSO, a tract in the E½SW¼ of said Section 6 described as follows:
Beginning at a point which is the South Quarter corner of said Section 6, and running
thence North 660 feet;
thence North 31°13' West 1447.59 feet;
thence North 89°32' West 578 feet;
thence South 1848 feet;
thence South 89°32' East 1320 feet, to the point of beginning.
Section 7: Lots 1, 2, 3, 4, E½W½, W½E½, W½W½SE¼.
Section 18: Lot 1, N½NE¼NW¼, N½NW¼NE¼, NW¼NE¼NE¼.

Township 7 South, Range 42 East of the Boise Meridian:

Section 12: SW¼SE¼, SE¼SE¼SW¼, ALSO, a triangular shaped tract of land in the NE¼SW¼ of said Section 12, described as follows:
Beginning at the Northeast corner of the SW¼ of said Section 12 (Y = 424,759.26, X = 680,528.05); and running
thence South 0°05'13" East along the East line of the NE¼SW¼ of said Section 12, a distance of 1200 feet;
thence North 22°43'06" West a distance of 1299.37 feet to the North line of the NE¼SW¼ of said Section 12;
thence North 89°50'06" East along the North line of the NE¼SW¼ of Section 12 a distance of 500 feet, more or less,
to the point of beginning. (The bearings as shown in this description are from the Idaho East Zone Coordinate System, modified to elevation 6600 with combined factor of 1.0003334. To convert to geodetic bearings subtract 0°28'55" from all Northwest and Southeast bearings and add 0°28'55" to all Northeast and Southwest bearings.)

Section 13: N½NE¼, NE¼NW¼, ALSO, a tract of land in the S½NE¼ lying North of the Southerly boundary line of the presently existing Monsanto Haul Road, more particularly described as follows:
Beginning at a point South 1350 feet and West 1555.95 from the Northeast corner of Section 13, and running
thence West 2261.58 feet;
thence South 24°15' East 140.76 feet;
thence South 78°10' East 283 feet;
thence South 85°26' East 503.30 feet;
thence South 86°26' East 288.42 feet;
thence North 81°06' East 499.45 feet;
thence North 80°08' East 499.36 feet;
thence North 62°02' East 170.47 feet, to the point of beginning.

Section 22: SE¼NE¼, E½SE¼.

Section 23: SW¼SW¼.

Section 26: W½W½.

Section 27: NE¼NW¼, N½NE¼, SE¼NE¼, EXCEPT any portion lying within Monsanto's Haul Road.

Township 6 South, Range 42 East of the Boise Meridian:

Section 10: A tract of land in the NW¼SE¼ and NE¼SW¼ of Section 10, more particularly described as follows:
Beginning at the Northeast corner of the NW¼SE¼ of Section 10, and running
thence North 89°45' West along the centerline of Section 10 1455.8 feet, more or less, to the Easterly right of way

line of State Highway No. 34 (80 ft. wide);
thence South 58°23' West along said right of way line 274.9 feet;
thence South 36°05' East 1465.8 feet more or less, to the South line of the NW¼SE¼ of Section 10;
thence North 89°50' East along said South line 821.6 feet to the Southeast corner of the NW¼SE¼;
thence North 0°13' East along the East line of NW¼SE¼, 1320 feet, more or less, to the point of beginning.

Sections 10 and 11: A tract in the E½ of Section 10 and the SW¼ of Section 11, more particularly described as follows:

Beginning at the Southwest corner of Section 11, and running
thence South 89°51' East along the South line of Section 11 2640 feet, to the South Quarter corner of Section 11;
thence North 0°12' East 1034.4 feet along the centerline Section 11;
thence along the crest of a ridge to a point North 58°58' West 2461.8 feet;
thence North 50°32' West 1044.1 feet;
thence North 60°14' West 1600 feet, more or less, to the Easterly right of way line of State Highway No. 34 (80 ft wide), said point being a point on a curve to the left having a radius of 778.6 feet;
thence Southerly along said curve 128.6 feet to the point of tangency of said curve;
thence South 11°13' West 42.4 feet to the point of curvature of a curve to the right having a radius of 756.3 feet;
thence Southwesterly along said curve 622.6 feet;
thence South 58°23' West 829.7 feet along said right of way line;
thence South 89°45' East along the centerline of Section 10 1455.8 feet to the Northeast corner of the NW¼SE¼;
thence South 0°13' West along the East line of said NW¼SE¼ 1320 feet to the Southeast corner thereof;
thence South 28°08' East 653.2 feet;
thence South 52°54' East 1253.2 feet, more or less,
to the point of beginning.
EXCEPT THEREFROM, Beginning at the Southwest corner of Section 11;
thence North 52°54' West 1253.2 feet to the TRUE POINT OF BEGINNING, and running
thence North 44°52'11" East 2173.9 feet;
thence North 50°32' West 1044.1 feet;
thence North 60°14' West 1600 feet, more or less, to the Easterly right of way line of State Highway No. 34, said point being a point on a curve to the left having a radius of 778.6 feet;
thence Southerly along said curve 128.6 feet to the point of tangency of curve;
thence South 11°13' West 42.2 feet to the point of curvature of a curve to the right having a radius of 756.3 feet;
thence Southwesterly along said curve 622.6 feet;

thence South 58°23' West 1104.6 feet along said right of way line;
thence South 36°05' East 1465.8 feet;
thence North 89°50' East 821.6 feet;
thence South 28°08' East 653.2 feet,
to the TRUE POINT OF BEGINNING.

Section 25: A tract of land in the SE¼NW¼ and E½SW¼ of Section 25, more particularly described as follows:

Beginning at a point on the South line of said Section 25 (Y = 436,148.05, X = 682,899.73) from which point the Southwest corner of said Section 25 (Y = 436,132.64, X = 681,497.06) bears South 89°22'13" West a distance of 1402.76 feet; and running

thence along the arc of a circular curve to the right having a radius of 1030.37 feet and a central angle of 20°23'44", a distance of 366.78 feet, said arc being subtended by a chord bearing North 33°00'08" East a distance of 364.85 feet;

thence along the arc of a spiral curve to the right having a central angle of 7°12', a distance of 249.42 feet, said arc being subtended by a chord bearing North 47°48'38" East a distance of 249.25 feet;

thence North 50°24' East a distance of 171.58 feet;

thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 230.58 feet, said arc being subtended by a chord bearing North 47°53'35" East a distance of 230.42 feet;

thence along the arc of a circular curve to the left having a radius of 880.37 feet and a central angle of 53°18', a distance of 818.97 feet, said arc being subtended by a chord bearing North 16°33' East, a distance of 789.75 feet;

thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 230.58 feet, said arc being subtended by a chord bearing North 14°47"35" West, a distance of 230.42 feet;

thence North 17°18' West a distance of 523.29 feet;

thence along the arc of a spiral curve to the right having a central angle of 9°00', a distance of 281.78 feet, said arc being subtended by a chord bearing North 14°04'38" West, a distance of 281.48 feet;

thence along the arc of a circular curve to the right having a radius of 934.92 feet and a central angle of 78°05'18" a distance of 1274.20 feet, said arc being subtended by a chord bearing North 30°43'49" East, a distance of 1178.33 feet to a point on the East line of the W½ of Section 25;

thence South 0°15'11" East along said East line of the W½ of said Section 25, a distance of 3488.35 feet to the South line of said Section 25;

thence South 89°22'13" West along the said South line of said Section 25, a distance of 1246.21 feet, to the point of beginning.

Township 6 South, Range 43 East of the Boise Meridian:

Section 17: A tract of land in the NE¼ of Section 17, described as follows:
Beginning at the East Quarter corner of Section 17, which is a 3½" aluminum cap monument recorded under document No. 137723, in the official records of Caribou County, Idaho;
thence North 00°26'34" West 48 feet along the East line of said Section 17, THE TRUE POINT OF BEGINNING, and running
thence North 84°19'00" West 878.02 feet to a 5/8" rebar with cap labelled "A.A. HUDSON PLUS 4735";
thence North 24°12'38" East 2092.92 feet to a 5/8" rebar with cap set on the East line of said Section 17;
thence South 00°26'34" East 1995.85 feet along said East line,
to the TRUE POINT OF BEGINNING.
ALSO, Beginning at the East Quarter corner of Section 17; and running
thence South 00°26'34" East 1500 feet along the East line of said Section 17 to a 5/8" rebar with cap labelled "A.A. HUDSON PLUS 4735";
thence North 49°26'34" West 949.48 feet to a 5/8" rebar with cap;
thence North 39°52'26" West 233.42 feet to a 5/8" rebar with cap;
thence North 23°42'26" West 233.42 feet to a 5/8" rebar with cap;
thence North 07°32'25" West 233.42 feet to a 5/8" rebar with cap;
thence North 08°37'34" East 233.41 feet to a 5/8" rebar with cap set on the East-West center section line of said Section 17;
thence North 88°20'11" East 949.30 feet along said center Section line,
to the point of beginning.

Section 19: Lot 4, and
A tract of land in Lot 3 (NW¼SW¼) of Section 19, described as follows:
Beginning at the West Quarter corner of Section 19, and running
thence South 44°36' East 1915.3 feet to the Southeast corner of Lot 3 of Section 19;
thence North 89°54' West along the South 1/16th line of Section 19, 1344.8 feet, more or less, to the Southwest corner of Lot 3;
thence North along the West line of Section 19, 1361.2 feet, more or less,
to the point of beginning.
ALSO, A tract of land in the SE¼SW¼ of Section 19, more particularly described as follows:
Beginning at the South Quarter corner of Section 19, and running
thence North 89°48' West along the South line of Section 19, 1255.2 feet to the Southwest corner of the SE¼SW¼;
thence North 0°04' East 1363.6 feet to the Northwest of the SE¼SW¼;
thence South 42°31' East 1856.0 feet, more or less,
to the point of beginning.

Section 30: Lots 1, 2, and 3, E½SW¼ and the S½SE¼;
ALSO, A tract in the SE¼NW¼, SW¼NE¼, N½SE¼, NW¼NE¼ and SE¼NE¼ of Section 30, more particularly described as follows:
Beginning at the North Quarter corner of Section 30, and running
thence South 42°47' East 1854.5 feet to the Southeast corner of the NW¼NE¼;
thence South 42°45' East 1846.5 feet to the East Quarter corner of Section 30;
thence South 0°03' East along the East line of Section 30, 1320 feet to the Southeast corner of the NE¼SE¼;
thence North 89°54' West along the South line of the N½SE¼ 2492.1 feet to the Southwest corner;
thence North 0°18' West along the centerline of Section 30, 1320 feet to the center of Section 30;
thence West 1243 feet to the Southwest corner of SE¼NW¼;
thence North 0°42' West 1360.8 feet along the West line of the SE¼NW¼ to the Northwest corner thereof;
thence South 89°54' East 1252.5 feet to the Northeast corner thereof;
thence North 0°18' West along the centerline of Section 30, 1358.8 feet,
to the point of beginning.

ALSO, Lots 6, 7, and 8,.Block 4 and Lots 1, 2 and 3, Block 6, Caribou Blue Landing Subdivision, according to the official plat thereof, as recorded in the office of the County Recorder of Caribou County, Idaho, under recorder's instrument No. 71394.

Caribou County, Idaho:

TRACT IV: (HAUL ROAD)

Township 8 South, Range 42 East of the Boise Meridian:

Section 29: A tract of land in the W½SE¼ and E½SW¼, 50 feet on each side of the following described center line:

(43435) Beginning at a point on a fence which is West 2010 feet from the Southeast corner of the NE¼ of Section 29, and running
thence South 33°13' West 208.56 feet to the P.S. of a curve left;
thence 905 feet along a 2°00' curve with 200 foot spirals at each end to the P.T. of curve;
thence South 19°07' West 514.54 feet to the P.S. of a curve right;
thence 693.35 feet on a 16°00' curve with 200 foot spirals on each end to a point, on the Conda Railroad right of way fence, which is South 1767 feet and West 3214 feet from the Southeast corner of the NE¼ of Section 29.

ALSO, a parcel in the SW¼NE¼ of Section 29, extending 50 feet on each side of the following described centerline, to-wit:

(42595) Beginning at a point on a which is South 1580 feet and West 1320 feet from the Northeast corner of Section 29,
thence Southwesterly 142 feet on a 1°59'06" curve right to a point which is the P.T. of said curve;
thence South 33°13'30" West 1128 feet to a point on a fence line, which is West 2013 feet and South 2640 feet from the Northeast corner of Section 29.

(43435) ALSO, Beginning at a point which is South 161 feet and West 2164 feet from the Southeast corner of the NE¼ of said Section 29, and running
thence 905 feet Southwesterly along a 2°00' curve left, with 200 foot spirals at each end, to the P.T. of the curve;
thence South 19°07' West 514.54 feet to the P.S. of a curve right;
thence 693.35 feet on a 16°00' curve with 200 foot spirals on each end;
thence North 33°13' East 1868 feet, more or less,
to the point of beginning.

(42477) ALSO, a parcel in the SE¼NE¼ extending 50 feet on each side of the following described centerline:
Beginning at a point on a curve which is South 1320 feet and West 1164 feet from the Northeast corner of said Section 29, and running
thence Southwesterly 302.90 feet on a 0°59'06" curve right to a point which is South 1580 feet, and West 1320 feet from the Northeast corner of Section 29.

(42595) ALSO, a parcel in the SW¼NE¼ and W½SE¼, 50 feet on each side of the following described centerline, to-wit:
Beginning at a point which is South 161 feet and West 2164 feet from the Southeast corner of the NE¼ of Section 29, and running

thence 905.00 feet Southwesterly along a 2°00' curve left, with 200 foot spirals at each end, to the P.T. of the curve;
thence South 19°07' West 514.54 feet to the P.S. of a curve right;
thence 693.35 feet on a 16°00' curve with 200 foot spirals on each end;
thence North 33°13' East 1868 feet, more or less,
to the point of beginning.

Section 29: and 20: (42595) A parcel in the NE¼NE¼ of Section 29, and the SE¼SE¼ of Section 20, being described as follows:
Beginning at a point which is North 1116 feet from the Northeast corner of Section 29, and running
thence Southwesterly 751.49 feet on a 1°32'06" curve left to a point which is the P.T. of said curve;
thence South 23°22' West 1385.96 feet to a point which is the P.C. of a curve;
thence 556 feet on a 1°59'06' curve right to a point on the curve, which is South 1320 feet and West 1164 feet from the Northeast corner of Section 29.

Section 21: (42477) A parcel in the W½SW¼, 50 feet on each side of the following described centerline, to-wit:
Beginning at a point which is North 2640 feet and East 1101 feet from the Southwest corner of Section 21, and running
thence South 35°59' West 1832 feet to a point which is the P.C. of a curve;
thence 66 feet, on a 1°32'06" curve left to a point which is North 1116 feet from the Southwest corner of said Section 21.

(42291) ALSO, a parcel in the NW¼SW¼ of Section 21, described as follow:
Beginning at a point and which is on the Easterly boundary of the Anaconda Company Rail Road Right-of-Way on the South boundary line of the SW¼NW¼ of Section 21, from said point the quarter corner between Section 20 and 21, bears South 89°58' West a distance of 1004.7 feet;
thence North 89°58' East 315.3 feet;
thence North 0°10' West 434 feet;
thence South 35°53' West 536 feet,
to the point of beginning.

(42595) ALSO, a tract in the E½NW¼ of Section 21, being 50 feet on each side of the following described centerline, to-wit:
Beginning at a point which is West 145 feet from the North quarter (N¼) corner of Section 21,
thence South 13°43' West 715.28 feet to a point which is the P.C. of a curve;
thence 890.67 feet on a 2°30' curve right to a point which is the P.T. of said curve;
thence South 35°59' West 1081 feet to a point which is South 2336 feet and West 1320 feet from the North Quarter corner of Section 21.

Section 16: (42599) A tract in the N½NE¼ of Section 16, described as follows:
Beginning at a point on a fence line, which is South 629 feet and West 1320 from the Northeast corner of said Section 16, and running
thence South 28°19'30" West 300.68 feet to a point which is a P.C. of curve;

thence 393.70 feet on a 4°00' curve left to a point on the said curve and a fence line, which is South 1222 feet and West 1579 feet from the Northeast corner of said Section 16.

The right of way is a parcel of land extending 50 feet on each side of the above described centerline.

(42595) ALSO, a tract in the SW¼, SW¼SE¼ of Section 16, described as follows:

Beginning at a point which is North 1320 feet and East 177 feet from the South Quarter corner of Section 16,

thence South 13°43' West 1360 feet to a point which is West 145 feet from the South Quarter corner of Section 16.

ALSO, a tract in the SW¼NE¼ and NW¼SE¼ of Section 16, as follows:

(42026) Beginning at a point on the railroad right of way fence line, which is South 1768 feet and West 1644 feet from the Northeast corner of Section 16, and running

thence Southwesterly 374 feet on a 4°00' curve right, whose radius is 1432.40 feet to a point which is the P.T. of curve;

thence South 27°45' West 868.07 feet to a point which is the P.C. of a curve left;

thence 909.29 feet on a 1°32'36" curve whose radius is 3719.72 feet to a point which is the P.T. of curve;

thence South 13°43' West 227 feet to a point which is South 1320 feet and East 177 feet from the Northeast corner of the SW¼ of Section 16.

The land above described is a parcel of land extending 50 feet on each side of the above described centerline and is parallel to, adjacent to and immediately Easterly to the Conda Railroad spur.

ALSO, a tract of land in the SW¼NE¼ of Section 16, described as follows:

(42598) Beginning at a point which is West 1575 feet and South 1320 feet from the Northeast corner of said Section 16, and running

thence South 3°20' West 74 feet;

thence North 30°00' East 86 feet;

thence West 39 feet, more or less,

to the point of beginning.

ALSO, a parcel of land extending 50 feet on each side of the following described centerline, to-wit:

(41434) Beginning at a point which is West 979 feet from the Northeast corner of said Section 16, and running

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

ALSO, all of that portion of the NE¼NE¼ lying and being Westerly of said 100 foot strip of land above described.

Section 10: A parcel of land in the W½NW¼, NW¼SW¼ of Section 10, being 50 feet on
(41906) each side of the following described centerline, to-wit:

Beginning at a point on centerline which is East 574 feet from the Northwest corner of Section 10 and running,

thence South 34°57' West 186.76 feet to the P.S. of a curve left;
thence 1406.67 feet on a 3°00' curve left with 200 foot spirals on each end to the P.T. of the curve;
thence South 1°15' East 1525.76 feet to the P.S. of a curve right;
thence 539.61 feet on a 3°00' curve right with a 200 foot spiral on the North end to a point on the curve and centerline which is South 3475 feet from the Northwest corner of Section 10.

(41906) ALSO, Beginning at the Northwest corner of Section 10, and running
thence East 510 feet;
thence South 34°57' West 151.81 feet to the P.S. of a curve left;
thence 1406.67 feet on a 3°00' curve left with 200 foot spirals on each end to P.T. of the curve;
thence North 1°15' West 1359 feet,
to the point of beginning.

Sections 9: and 10: (42600) A tract in the E¼SE¼ of Section 9 and W½SW¼ of Section 10, as follows:
Beginning at a point on the centerline which is North 1805 feet from the Southeast corner of said Section 9, and running
thence 594.84 feet on a 3°00' curve right with a 200 foot spiral on the South end, to the P.T. of the curve;
thence South 26°57' West 1430.36 feet to a point on the centerline which is West 897 feet from the Southeast corner of said Section 9.
The right of way is a parcel of land extending 50 feet on each side of the above described centerline a linear distance of 2025.20 feet from the point of beginning to the point on centerline which is West 897 feet from the Southeast corner of said Section 9.

(42600) ALSO, Beginning at a point which is North 1644 feet from the Southeast corner of said Section 9, and running
thence 440.91 feet Southwesterly along a 3°00' curve right with 200 foot spiral on the South end, to the P.T. of the curve;
thence South 26°57' West 1404.94 feet;
thence East 841 feet;
thence North 1644 feet, more or less, to the point of beginning.

Section 3: (42600) Beginning at a point which is East 1320 feet and North 1086 feet from the Southwest corner of Section 3, and running
thence Southwesterly along a 3°00' curve right, with a 200 foot spiral on the South end, 719.36 feet to the P.T. of the curve;
thence South 34°57' West 524.98 feet;
thence East 685 feet;
thence North 1086 feet, more or less,
to the point of beginning.

(54114) ALSO, a parcel of land extending 50 feet on the Westerly side and 70 feet on the Easterly side of the following described survey line, to-wit:
Beginning at a point which is North 2640 feet and West 1124 feet from the South Quarter corner of Section 3, and running

thence 871 feet on a 2°30' curve left to a point which is the P.T. of said curve;
thence South 0°51' West 25.18 feet to a point which is the P.C. of a curve;
thence 485 feet on a 2°30' curve right to a point on the said curve and fence line, which is North 1298 feet and West 1320 feet from the South Quarter corner of said Section 3.

ALSO, a parcel of land extending 50 feet on each side of the following described centerline, to-wit:

(41434) Beginning at a point which is North 2640 feet and West 1124 feet from the South Quarter corner of Section 3, and running
thence 871 feet on a 2°30' curve left to a point which is the P.T. of said curve;
thence South 0°51' West 25.18 feet to a point which is the P.C. of a curve;
thence 485 feet on a 2°30' curve right to a point on said curve and fence line, which is North 1298 feet and West 1320 feet from the South Quarter corner of Section 3.

ALSO, all that portion of the E½SW¼ lying and being Westerly of said 100 foot strip of land above described.

(42600) ALSO, Beginning at a point on a curve and centerline which is East 1320 and North 1236 feet from the Southwest corner of said Section 3, and running
thence Southwesterly 856.73 feet on a 3°00' curve right with a 200 foot spiral on the South end to the P.T. of the curve;
thence South 34°57' West 559.92 feet to a point on centerline which is East 574 feet from the Southwest corner of said Section 3.

The right of way is a parcel of land extending 50 feet on each side of the above described centerline a linear distance of 1416.65 feet from the point of beginning to the point on centerline which is East 574 feet from the Southwest corner of said Section 3.

(69607) ALSO, Beginning at the intersection of the Westerly right of way line of Monsanto's mine haul road, which is 50.0 feet radially distance Westerly from thence centerline of said haul road, and the South line of the NW¼SW¼ of said Section 3, which point is 1320 feet North and approximately 1284 feet East from the Southwest corner of said Section 3, and running
thence Northerly 100 feet along a straight line to a point 53.3 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 53.3 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 60 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 60 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 60 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 62.5 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 64 feet radially distant Westerly from said centerline;
thence Northerly 100 feet along a straight line to a point 58 feet radially

distant Westerly from said centerline;
thence Northerly 160 feet along a straight line to a point 51.5 feet radially distant Westerly from said centerline;
thence Northerly 40 feet along a straight line to a point on the Westerly right of way line of said haul road which point is 50.0 feet radially distant Westerly from said centerline;
thence Southerly 900 feet, more or less, along said Westerly right of way line, which is 50 feet distant radially and/or parallel to said centerline,
to the point of beginning.

Sections 34 and 3: (42600) A tract of land in the SE¼SW¼ of Section 34, T. 7 S., R. 42 E., B.M., and in Lot 3 of Section 3, T. 8 S., R. 42 E., B.M., as follows:
Beginning at a point on the center which is North 525 feet from and East 2640 feet from the Southwest corner of said Section 34, and running
thence Southwesterly 132.90 feet on a 4°00' curve right with a 200 foot spiral on the South end to the P.T. of the curve;
thence South 41°35' West 589.55 feet to the P.S. of a curve left;
thence 1447.38 feet on a 4°00' curve with 200 foot spirals on each end to a point on the curve and centerline which is East 1750 feet and South 1320 feet from the Southwest corner of said Section 34.
The right of way is a parcel of land extending 50 feet on each side of the above described centerline a linear distance of 2169.83 feet from the point of beginning to the point on centerline which is South 1320 feet and East 1750 feet from the Southwest corner of said Section 34.

(54119) ALSO, a tract of land 50 feet on the Westerly side and 70 feet on the Easterly side of the survey in the SE¼SW¼ of Section 34, T. 7 S., R. 42 E., B.M., and in Lot 3, of Section 3, T. 8 S., R. 42 E., B.M., described as follows:
Beginning at a point on the survey line which is North 525 feet and East 2640 feet from the Southwest corner of said Section 34, and running
thence Southwesterly 132.90 feet on a 4°00' curve right with a 200 foot spirals on the South end to the P.T. of the curve;
thence South 41°35' West 589.55 feet to the P.S. of a curve left;
thence 1447.38 feet on a 4°00' with 200 foot spirals on each end to a point on the curve and survey line which is East 1750 feet and South 1320 feet from the Southwest corner of said Section 34. EXCEPT any portion thereof previously deeded in Warranty Deed No. 42600 above set forth.

Township 7 South, Range 42 East of the Boise Meridian:

Sections 34 and 27: (41552) Beginning at a point on the centerline which is North 3559 feet and West 1320 feet from the Southeast corner of Section 27, and running
thence Southwesterly 49.61 feet along a 6°00' curve right with 200 foot spirals on each end to the P.T. of the curve;
thence South 72°10' West 13.02 feet to the P.S. of a curve left;
thence 465.71 feet on a 7°00' curve with 200 foot spirals on each end to the

P.T. of the curve;
thence South 53°34' West 255.59 feet to the P.S. of a curve left;
thence 546.45 feet on a 23°00' curve with 250 foot spirals on each end to the P.T. of the curve;
thence South 14°37' East 519.02 feet to the P.S. of a curve right;
thence 671.08 feet on a 14°00' curve with 300 foot spirals on each end to the P.T. of the curve;
thence South 57°20' West 30.94 feet to the P.S. of a curve left;
thence 426.67 feet on an 8°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 19°12' West 64.68 feet to the P.S. of a curve left;
thence 510.00 feet on a 4°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 6°48' West 412.79 feet to the P.S. of a curve left;
thence 727.78 feet on a 3°00' curve with 200 foot spirals is on each end of the P.T. of the curve;
thence South 9°02' East 3085.05 feet to the P.S. of a curve right;
thence 1332.51 feet on a 4°00' curve with 200 curve spirals on each end to a point on the centerline which is South 4755 and East 2640 feet from the Southeast corner of said Section 27.

The right of way is a parcel of land extending 75 feet on each side of the above described centerline and linear distance of 7478.90 feet from the point of beginning Southerly along the centerline to a point on the centerline from the point of beginning from this point extending 50 feet on each side of the above described centerline a linear distance of 1632.00 feet, Southerly along the centerline to the point of ending.

Section 27: (54015) A strip of land being 75 feet on each side of a centerline described as follows:
Beginning at a point on the centerline which is North 3559 and West 1320 feet from the Southeast corner of Section 27, and running
thence Southwesterly 49.61 feet along a 6°00' curve right with 200 foot spirals on each end to the P.T. of the curve;
thence South 72°10' West 13.02 feet to the P.S. of a curve left;
thence 465.71 feet on a 7°00' with 200 foot spirals on each end to the P.T. of the curve;
thence South 53°34' West 61.66 feet at which point the strip of land widens to 130 feet on the Easterly side and 75 feet on the Westerly side of the centerline;
thence along said centerline 193.93 feet to the P.S. of the curve left;
thence 546.45 feet on a 23°00' curve with 250 foot spirals on each end to the P.T. of the curve;
thence South 14°37' East 9.62 feet at which point the strip of land narrows to 90 feet Easterly and 75 feet Westerly of the said centerline;
thence continuing on said centerline 509.40 feet to the P.S. of a curve right;

thence 671.08 feet on a 14°00' curve with 300 foot spirals on each end to the P.T. of the curve;
thence South 37°20' West 30.94 feet to the P.S. of a curve left;
thence 426.67 feet on an 8°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 19°12' West 64.68 to the P.S. of a curve left;
thence 510.00 feet on a 4°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 6°48' West 412.79 feet to the P.S. of a curve left;
thence 727.78 feet on a 3°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 9°02' East 846.66 feet at which point the strip of land narrows to 75 feet on the Easterly and 75 feet on the Westerly side of the centerline;
thence continuing on said centerline 1939.00 feet at which point the strip of land narrows to 70 feet Easterly and 50 feet Westerly of said centerline;
thence continuing on said centerline 299.39 feet to the P.S. of a curve right;
thence 1332.51 feet on a 4°00' curve with 200 foot spirals on each end to the point on the centerline which is South 4735 feet and East 2640 feet from the Southeast corner of said Section 27. EXCEPT any portion previously conveyed by Warranty Deed No. 41552 above set forth.

ALSO, Beginning at a point on a curve left and a fence line, which is South 886
(42639) feet, more or less, from the Northeast corner of Section 27, and running
thence Southwesterly 432 feet, more or less, on a 4°00' curve left, whose radius is 1432.40 feet to a point which is the P.T. of curve;
thence South 54°47' West 675.86 feet to a point which is the P.C. of a curve right;
thence 408 feet, more or less on a 4°00' curve whose radius is 1432.40 feet to a point on the curve which is South 1652 feet, more or less, and West 1320 feet, more or less, from the Northeast corner of said Section 27.
The right of way is a parcel of land extending 50 feet on each side of the above described centerline.

Sections 26: A parcel of land extending 50 feet on each side of the following
and 23: described centerline, to-wit:
(42600) Beginning at a point on the centerline which is North 1320 feet and East 1369.4 feet from the Northwest corner of said Section 26, and running
thence Southeasterly 231.72 feet on a 3°00' curve left with a 200 foot spiral on the South end to the P.T. of the curve;
thence South 19°36'30" East 1028.19 feet to the P.S. of a curve right;
thence 999.33 feet on a 15°00' right with 300 foot spirals on each end to the P.T. of the curve;
thence South 85°17'30" West 219.83 feet to a point on the centerline which is South 540.6 feet and East 1320 feet from the Northeast corner of Section 26.
The right of way is a parcel of land extending 50 feet on each side of the above described centerline a linear distance of 2479.07 feet from the point of beginning

to the point on centerline which is South 540.6 feet and East 1320 feet from the the Northwest corner of said Section 26.

(54119) ALSO, Being 50 feet on each side of the survey line, described as follows:

Beginning at a point on the survey line which is North 1320 feet and East 1369.4 feet from the Northwest corner of said Section 26, and running

thence Southeasterly 231.72 feet on a 3°00' curve left with a 200 foot spiral on the South end to the P.T. of the curve right;

thence South 19°36'30" East 1028.19 feet to the P.S. of a curve right;

thence 140.00 feet on a 15°00' curve right with 300 foot spirals on each end at which point the parcel of land widens and extends 80 feet on the Westerly side of the survey line and 50 feet on the Easterly side of the survey line;

thence continuing on said survey line a distance of 740.00 feet at which point the parcel of land narrows to 50 feet on each side of the survey line;

thence continuing on said survey line 119.33 feet to the P.T. of a curve;

thence South 85°17'30" West 219.83 feet to a point on the survey line which is South 540.6 feet and East 1320 feet from the Northwest corner of said Section 26. EXCEPT therefrom any portion thereof previously deeded by Warranty Deed No. 42600 above set forth.

Section 23: (69557) A strip of land situated in the N½NW¼ of Section 23, adjoining Westerly the Westerly boundary of the parcel of land conveyed and identified as Microfilm No. 54100, and described as follows:

Said strip of land is described as being 1000 feet long and 20 feet wide, except for the 100 feet on each end that tapers from 0.0 feet wide on the terminal ends to 20.0 feet wide at a distance of 100.0 feet in from said terminal ends and is subtended by a certain (hereinafter to be described) portion of the survey line described in said Warranty Deed as being situated between a point 896.37 feet South 24°18' West from Survey Sta. 3 and a point 113.20 feet Southerly on the arc of a spiral from Survey Sta. 6 referred to in said Warranty Deed.

Said certain portion of said survey line is described as follows:

Beginning at a point North 1821 feet and East 3960 feet (such point being referred to as Survey Sta. 1) from the Southwest corner of Section 14, and running

thence South 62°38' West 1883.47 feet to a point of spiral of a curve left (such point being referred to as Survey Sta. 2);

thence Southerly 679.16 feet on an 8°00' curve having 200 foot spirals on each end to the point of tangency of said curve (such point being referred to as Survey Sta. 3) and South 24°16' West 896.37 feet from the Southwest corner of Section 14, which is the Northwest corner of Section 23;

thence South 24°18' West 35.93 feet to a point of spiral of a curve left (said point being referred to as Survey Sta. 4);

thence Southerly 600 feet on a 4°00' curve having 200 foot spirals at each end to the point of tangency of said curve (said point being referred to as Survey Sta. 5);

thence South 8°18' West 250.87 feet to the point of spiral of a curve left (said point being referred to as Survey Sta. 6);
thence Southerly 113.20 feet along the arc of said last mentioned spiral.
ALSO, a parcel of land situated in the NW¼SW¼ of Section 23, adjoining Westerly the Westerly side line, which is 50.0 feet radially distant Westerly from the survey line of a parcel of land described in Warranty Deed identified as Microfilm No. 54100, described as follows:

Beginning at the intersection of said above mentioned Westerly sideline and the South boundary line of said grantors land which point is South 3960 feet East 1369.4 feet (to a point referred to in said above mentioned Warranty Deed as Survey Sta. 11), and West 51 feet, more or less, from the Southwest corner of said Section 14, which is the Northwest corner of Section 23;
thence West 56.0 feet along the said South boundary line;
thence Northerly 390 feet, more or less, along a straight line to the intersection of said Westerly sideline at a point 390.0 feet Northerly from said point of beginning;
thence Southerly along said Westerly existing sideline 390.0 feet,
to the point of beginning.

Sections 14 and 13: Beginning at a point on a fence line which is South 1320 feet and East 1460 feet from the Northeast corner of Section 14,, and running
thence South 52°4' West 121 feet to a point which is the PC of a curve;
thence 661.58 feet on a 3°40' curve right to a point which is the PT of said curve;
thence South 76°21' West 182.93 feet to a point which is the PC of a curve;
thence 800.52 feet on a 4°47' curve left to a point which is the PT of said curve;
thence South 38°05' West 943.08 feet to a point which is the PC of a curve;
thence 860 feet on a 3°00' curve right to a point on a fence line which is South 780 feet and East 1320 feet from the Northwest corner of the SE¼ of said Section 14.
The above and foregoing tract of land is 100 feet wide, being 50 feet on each side of the above described centerline.

(41451) ALSO, Beginning at a point on a fence line which is South 1320 feet and East 1460 feet from the Northeast corner of said Section 14, and running
thence in a Southerly direction along said centerline for a distance of 1208.82 feet;
thence continuing in a Southerly direction along said centerline, said tract of land is 150 feet wide, being 75 feet on each side of the said centerline for a linear distance of 2361.18 feet to a point which is South 3420 feet and West 1320 feet from the Northeast corner of said Section 14.

Sections 14 and 23: (41588) Beginning at a point in a fence, which is North 1821 feet and East 3960 feet from the Southwest corner of said Section 14, and running
thence South 62°38' West 1883.47 feet to the P.S. of a curve left;
thence 679.16 feet on an 8°00' curve with 200 foot spirals on each end to the

P.T. of the curve;
thence South 24°18' West 932.30 feet to the P.S. of a curve left;
thence 600 feet on a 4°00' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 8°18' West 250.87 feet to the P.S. of a curve left;
thence 568.96 feet on an 8°21' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 22°31' East 264.79 feet to the P.S. of a curve right;
thence 610.05 feet on a 7°23' curve with 200 foot spirals on each end to the P.T. of the curve;
thence South 7°45'30" West 490.44 feet to the P.S. of a curve left;
thence 880.50 feet on a 3°00' curve with a 200 foot spiral on the Northerly end to a point in a fence, which is South 3960 feet and East 1369.4 feet from the Southwest corner of said Section 14.

The right of way is a parcel of land extending 50 feet on each side of the above described centerline for a linear distance of 4660.54 feet, EXCEPT that portion beginning at a point on the centerline, which is North 530 feet and East 1749 feet from the Southwest corner of said Section 14, and following the centerline a linear distance of 2500 feet to a point on the centerline which is South 1830 feet and East 1297 feet from the Southwest corner of said Section 14, where the right of way parcel is a parcel of land extending 75 feet on each side of the above described centerline.

ALSO, a tract of land which embraces land on the Westerly side and Easterly side of the following described line:

(54100) Beginning at a point on the East line of the NW¼SE¼ of said Section 14, which point is North 1821 feet and East 3960 feet from the Southwest corner of said Section 14 (such point being referred to as Survey Sta. 1), and running
thence South 62°38' West 1883.47 feet to the point of spiral of a curve left (such point is referred to as Survey Sta. 2);
thence 679.16 feet on an 8°00' curve having 200 foot spirals on each end to the point of tangency of said curve (such point is referred to as Survey Sta 3);
thence South 24°18' West 932.30 feet to the point of spiral of a curve left (such point is referred to as Survey Sta. 4);
thence 600 feet on a 4°00 curve having 200 foot spirals at each end to the point of tangency of said curve (such point is referred to as Survey Sta. 5);
thence South 8°18' West 250.87 feet to the point of spiral of a curve left (such point is referred to as Survey Sta. 6);
thence 568.96 feet on an 8°21' curve having 200 foot spirals on each end to the point of tangency of said curve (such point is referred to as Survey Sta. 7);
thence South 22°31' East 264.79 feet to the point of spiral of a curve right (such point is referred to as Survey Sta. 8);
thence 610.05 feet on a 7°23' curve having 200 foot spirals on each end to the point of tangency of the curve (such point is referred to as Survey Sta.9);

thence South 7°45'30" West 490.44 feet to the point of spiral of a curve left (such point is referred to as Survey Sta. 10);
thence 880.50 feet on a 3°00' curve having a 200 foot spiral on the Northerly end to a point on the South line of the NE¼SW¼ of Section 23,(which point is referred to as Survey Sta. 11) and which point is 3960 feet South and 1369.4 feet East from the Southwest corner of said Section 14.
The linear distance of said survey line from point of beginning to the point of termination is 7160.54 feet and the width of the hereby conveyed parcel and its position with respect to said survey line is as follows:

Between Survey Station 1 and a point on said survey line 224.53 feet Southerly from Survey Sta. 2, the parcel is 120 feet in width, with 50 feet on the Westerly side and 70 feet on the Easterly side of said survey line;

Between said last mentioned point and a point on said survey line 14.37 feet Southerly from Survey Sta. 3, the parcel is 140 feet in width, with 50 feet on the Westerly side and 90 feet on the Easterly side of said survey line;

Between said last mentioned point and a point on said survey line 446.37 feet Southerly from Survey Sta. 3, the parcel is 165 feet in width, with 75 feet on the Westerly side and 90 feet on the Easterly side of said survey line;

Between said last mentioned point and a point on said survey line 114.07 feet Southerly from Survey Sta. 4, the parcel is 150 feet in width, with 75 feet on the Westerly side and 75 feet on the Easterly side of said survey line;

Between said last mentioned point and a point on said survey line 514.07 feet Southerly from Survey Sta. 4, the parcel is 165 feet in width, with 75 feet on the Westerly side and 90 feet on the Easterly side of said survey line;

Between said last mentioned point and a point on said survey line 44.24 feet Southerly from Survey Sta. 7, the parcel is 150 feet in width, with 75 feet on the Westerly side and 75 feet on the Easterly side of survey line;

Between said last mentioned point and a point on said survey line 480.50 feet Southerly from Survey Sta. 10, the parcel is 120 feet in width, with 50 feet on the Westerly side and 70 feet on the Easterly side of said survey line;

Between said last mentioned point and a point Southerly along said survey line to Survey Sta. 11, the point of termination, the parcel is 140 feet in width, with 50 feet on the Westerly side and 90 feet on the Easterly side of said survey line.

ALSO, Beginning at a point on a fence line which is South 1320 feet and East 1460 feet from the Northeast corner of Section 14, and running
thence in a Southerly direction along said center line for a distance of 1208.82 feet;
thence continuing in a Southerly direction along said center line, said tract of land is 150 feet wide, being 75 feet on each side of the said center line for a linear distance of 2361.18 feet to a point which is South 3420 feet and West 1320 feet from the Northeast corner of said Section 14.
The above and foregoing tract of land is 100 feet wide, being 50 feet on each side of the above described centerline, beginning at a point on a fence line

which is South 1320 feet and East 1460 feet from the Northeast corner of Section 14, and running in a Southerly direction along said centerline for a distance of 1208.82 feet;
thence continuing in a Southerly direction along said centerline, said tract is 150 feet wide, being 75 feet on each side of the said centerline for a linear distance of 2361.18 feet to a point which is South 3420 feet and West 1320 feet from the Northeast corner of said Section 14.

Section 13: (41451) A tract of land located in the S½N½ lying and being North of the Southerly boundary line of the presently existing Monsanto Haulage Road, as follows:
Beginning at a point which is South 1350 feet and West 555.95 feet from the Northeast corner of Section 13, and running
thence West 2261.58 feet;
thence South 24°15' East 140.76 feet;
thence South 78°10' East 283 feet;
thence South 85°26' East 503.3 feet;
thence South 86°26' East 288.42 feet;
thence North 81°06' East 499.45 feet;
thence North 80°08' East 499.36 feet;
thence North 62°02' East 170.47 feet,
to the point of beginning.

Section 1: (65777) A tract of land in the NE¼SW¼ of Section 1, described as follows:
Beginning at a point on the South line of the NE¼SW¼ of Section 1 (Y = 428,736.91, X = 680,483.08), from which point the South Quarter Corner of said Section 1 (Y = 427,414.45, X = 680,524.02) bear South 1°46'25" East, a distance of 1323.09 feet;
thence North 2°02' East along the Westerly right of way line of the Monsanto Co. Haul Road, a distance of 1165.61 feet to a point on East line of the NE¼SW¼ of Section 1;
thence South 0°00'30" West along the East line of the NE¼SW¼ of said Section 1, a distance of 1164.43 feet to the Southeast corner of the NE¼SW¼ of Section 1;
thence South 89°23' West along the South line of the NE¼SW¼ of Section 1, a distance of 41.17 feet, to the point of beginning.

Township 6 South, Range 42 East of the Boise Meridian:

Section 25: (65774) A parcel of land in the SE¼NW¼ and the E½SW¼ of Section 25, as follows:
Beginning at a point on the South line of said Section 25 (Y = 436,148.05, X = 682,899.73) from which point the Southwest corner of said Section 25 (Y = 436,132.64, X = 681,497.06) bears South 89°22'13" West, a distance of 1402.76 feet;
thence along the arc of a circular curve to the right having a radius of 1030.37 feet and a central angle of 20°23'44", a distance of 366.78

feet, said arc being subtended by a chord bearing North 33°00'08" East, a distance of 364.85 feet;
thence along the arc of a spiral curve to the right having a central angle of 7°12', a distance of 249.42 feet, said arc being subtended by a chord bearing North 47°48'38" East, a distance of 249.25 feet;
thence North 50°24' East, a distance of 171.58 feet;
thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 230.58 feet, said arc being subtended by a chord bearing North 47°53'35" East, a distance of 230.42 feet;
thence along the arc of a circular curve to the left having a radius of 880.37 feet and a central angle of 53°18', a distance of 818.97 feet, said arc being subtended by a chord bearing North 16°33' East, a distance of 789.75 feet;
thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 230.58 feet, said arc being subtended by a chord bearing North 14°47'35" West, a distance of 230.42 feet;
thence North 17°18' West, a distance of 523.29 feet;
thence along the arc of a spiral curve to the right having a central angle of 9°00', a distance of 281.78 feet, said arc being subtended by a chord bearing North 14°04'38" West, a distance of 281.48 feet;
thence along the arc of a circular curve to the right having a radius of 934.92 feet and a central angle of 78°05'18", a distance of 1274.20 feet, said arc being subtended by a chord bearing North 30°43'49" East, a distance of 1178.33 feet to a point on the East line of the West Half of Section 25;
thence South 0°15'11" East along said East line of the West Half of said Section 25, a distance of 3488.35 feet to the South Line of said Section 25;
thence South 89°22'13" West along the said South line of said Section 25, a distance of 1246.21 feet, to the point of beginning.

ALSO, a strip of land 110 feet wide being 60 feet on the left side and 50 feet on the right side of the centerline of the Monsanto Company Haul Road as shown on the plans thereof and being a portion of the S½NE¼ of said Section 25, said centerline being described as follows:

Beginning at a point on the West line of the SW¼NE¼ of said Section 25 at Sta. 312.39.22 (Y = 439,569.80, X = 684,130.81) of the said haul road, from which point the Northwest corner of said Section 25 (Y = 441,270.51, X = 681,444.15) bears North 57°40' West a distance of 3179.70 feet, and running
thence North along the arc of a circular curve to the right having a radius of 859.92 feet and a central angle of 22°26'15" a distance of 336.75 feet, said arc being subtended by a chord bearing North 79°10'53" East a distance of 334.60 feet;

thence along the arc of a spiral curve to the right having a central angle of 9°00' a distance of 270 feet, said arc being subtended by a chord bearing South 83°46"00" East a distance of 269.71 feet;
thence South 80°36' East a distance of 996.82 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00' a distance of 150 feet, said arc being subtended by a chord bearing South 81°42'00" East a distance of 149.98 feet;
thence along the arc of a circular curve to the left having a radius of 1432.69 feet and a central angle of 4°16' a distance of 106.69 feet, said arc being subtended by a chord bearing South 85°44'00" East a distance of 106.66 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00' a distance of 150 feet, said arc being subtended by a chord bearing South 89°46'00" East a distance of 149.98 feet;
thence North 89°08' East a distance of 683.64 feet to a point on the East line of said Section 25 at Sta. 339+33.12 (Y = 439,799.34) of the said haul road, from which point the East Quarter corner of said Section 25 (Y = 438,767, X = 686,798.39) bears South 0°05' West a distance of 653.52 feet.

ALSO, an additional strip of land 15 feet wide being on the left side of the above described centerline beginning at said Sta. 312+39.22 and ending at Sta. 332+49.48.

ALSO, an addition strip of land 25 feet wide being on the right side of the above described centerline being at said Sta. 312+39.22 and ending at Sta. 318.45.97.

ALSO, an additional strip of land 10 feet wide being on the right side of the above described centerline beginning at Sta. 318+45.97 and ending at Sta. 332+49.48.

Section 35: (65775) A strip of land 135 feet wide being 60 feet on the left side and 75 feet on right side of the centerline of the Monsanto Company Haul Road, being a portion of the E½SE¼ of Section 35, described as follows:

Beginning on the south line of said Section 35 at Sta. 212+80.53 (Y = 430,901.94, X = 680,619.98) of said haul road, from which point the Southeast corner of said Section 35 (Y = 430,907.40, X = 681,524.34) bears North 89°39' East, a distance of 904.38 feet;
thence North 2°02' East, a distance of 255.08 feet;
thence along the arc of a spiral curve to the right having a central angle of 3°00', a distance of 150 feet, said arc being subtended by a chord bearing North 3°08' East a distance of 149.98 feet;

thence along the arc of a circular curve to the right having a radius of 1432.69 feet and a central angle of 2°14', a distance of 55.84 feet, said arc being subtended by a chord bearing North 6°09' East a distance of 55.84 feet;
thence along the arc of a spiral curve to the right having a central angle of 3°00', a distance of 150 feet, said arc being subtended by a chord bearing North 9°10' East, a distance of 149.98 feet;
thence North 10°16' East a distance of 225.19 feet;
thence along the arc of a spiral curve to the right having a central angle of 3°00', a distance of 150 feet, said arc being subtended by a chord bearing North 11°22' East a distance of 149.98 feet;
thence along the arc of a circular curve to the right having a radius of 1432.69 feet and a central angle of 22°06', a distance of 552.61 feet, said arc being subtended by a chord bearing North 24°19' East, a distance of 549.19 feet;
thence along the arc of a spiral curve to the right having a central angle of 3°00' a distance of 150 feet, said arc being subtended by a chord bearing North 37°18' East, a distance of 149.98 feet;
thence North 38°22' East, a distance of 739.88 feet to a point on the East line of said Section 35 at Sta. 237+09.13 (Y = 433,078.78, X = 681,513.00) of said haul road from which point the East Quarter of said Section 35 (Y = 433,520.02, X = 681,510.70) bears North 0°18' West, a distance of 441.24 feet.

ALSO, an additional strip of land 25 feet wide being on the right side of the above described centerline beginning at said Sta. 212+80.53 and ending at Sta. 215+35.61.

ALSO, an additional strip of land 25 feet wide being on the right side of the above described centerline beginning at Sta. 229+69.25 and ending at said Sta. 237+09.13.

ALSO, an additional strip of land 40 feet wide being on the left side of the above described centerline beginning at Sta. 229+69.25 and ending at said Sta. 237+09.13

Section 36: (65776) A strip of land 120 feet wide being 60 feet on each side of the centerline of the Monsanto Co. Haul Road, being a portion of the NW¼SW¼ and the NW¼ of said Section 36, said centerline being described as follows:

Beginning on the West line of said Section 36 at Sta. 237+09.13 (Y = 433,078.78, X = 681,513.00) of the said Haul Road, from which point the West Quarter Corner of said Section 36 (Y = 433,520.02, X = 681,510.70) bears North 0°18' West, a distance of 441.24 feet;
thence North 38°22' East, a distance of 1584.46 feet;
thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 240 feet, said arc being subtended by a chord bearing North 35°49' East, a distance of 239.84 feet;
thence along the arc of a circular curve to the left having a radius of 955.37 feet, and a central angle of 16°30', a distance of 275.13 feet, said arc being

subtended by a chord bearing North 22°55' East, a distance of 274.18 feet
thence along the arc of a spiral curve to the left having a central angle of 7°12', a distance of 240 feet, said arc being subtended by a chord bearing North 10°01' East, a distance of 239.84 feet;
thence North 7°28' East, a distance of 756.54 feet;
thence along the arc of a spiral curve to the right having a central angle of 7°12', a distance of 240 feet, said arc being subtended by a chord bearing North 10°01' East, a distance of 239.84 feet;
thence along the arc of a circular curve to the right, having a radius of 955.37 feet and a central angle of 10°06'08", a distance of 168.45 feet, said arc being subtended by a chord bearing North 19°43'04" East, a distance of 168.23 feet to a point on the North line of said Section 36, at Sta. 272+13.71 (Y = 436,148.96, X = 682,982.08) of said haul road, from which point the Northwest corner of said Section 36 bears South 89°22' West, a distance 1485.11 feet.

ALSO, an additional strip of land 40 feet wide being on the left side of the above described centerline beginning at Sta. 237+09.13 and ending at Sta. 242+00.00.

ALSO, an additional strip of land 40 feet wide being on the left side of the above described centerline beginning at Sta. 252+93.59 and ending at Sta. 268.05.26.

ALSO, an additional strip of land 15 feet wide being on the left side of the above described centerline beginning at Sta 268+.05.26 and ending at said Sta. 13.71.

ALSO, an additional strip of land 40 feet wide being on the right side of the above described centerline beginning at Sta. 237+09.13 and ending at Sta. 242+00.00.

ALSO, an additional strip of land 15 feet wide being on the right side of the above described centerline beginning at Sta. 252+93.59 and ending at said Sta. 272+13.71.

Caribou County, Idaho:

Tract V: Easement Interests:

1. An Easement for a haul road crossings disclosed by Agreement executed by Oregon Short Line Railroad Company, a Utah corporation, dated May 5, 1960, recorded March 7, 1961, under recorder's instrument No. 45966, in Book 5 of Agreements at page 33, records of Caribou County, Idaho. Said easement is as follows:

"Said road will cross over the right of way and tract of the Conda Branch at two locations, MP 2.96 and MP 5.88" shown on attached plats.

2. Easement for haul road disclosed by Easement granted by El Paso Products Company, a Texas corporation, dated December 8, 1967, recorded January 3, 1968, under recorder's instrument No. 62456, in the microfilm records of Caribou County, Idaho. Said easement affects the following described tract:

Township 7 South, Range 42 East of the Boise Meridian:

Section 13: A tract of land in the S½NW¼ of Section 13, described as follows:

Beginning at the Northwest corner of said Section 13, the Idaho East Zone Coordinates (modified to Elevation 6,600 feet) of which are North 422,113.3, E 677,992.4; thence South 00°07' East 1319.3 feet along the West line of said Section 13 to the Northwest corner of the SW¼NW¼ of said Section 13, the Idaho East Zone Coordinates (modified to Elevation 6,600 feet) of which are North 420,794.0, East 677,994.9 and which 1/16 corner lies 18 feet North of a fence described by Warranty Deed of 12 August 1958 as being 1320 feet South of the Northwest corner of said Section 13 (Northeast corner of Section 14); thence South 89°35' East 1410 feet, more or less, to the point of intersection of the E-W 1/16 line of the NW¼ of said Section 13 with the Southeast right of way boundary of the Monsanto Company haul road, the REAL POINT OF BEGINNING, and running

thence South 89°35' East 160 feet to a point on said 1/16 line of said Section 13;

thence South 52°04' West 350 feet to a point which point is the intersection of this line with a line 25 feet North of and parallel to the centerline of the El Paso railroad spur track;

thence South 77°01' West 260 feet to a point, which point is the intersection of the line 25 feet North of and parallel to the El Paso spur track centerline and the Monsanto Company haul road South right of way boundary;

thence 250 feet, more or less, in a Northeasterly direction along the arc of a 3°40' curve to the left to the P.C. of said curve on said Monsanto Company haul road right of way South boundary;

thence North 52°04' East 210 feet along said haul road boundary,

to the point of beginning.

3. An Easement for a haul road disclosed by Easement executed by State of Idaho Easement, dated November 21, 1968, recorded April 1, 1969, under recorder's instrument No. 66052, more particularly described as follows:

Township 6 South, Range 42 East of the Boise Meridian:

Section 25: A strip of land 110 feet wide being 60 feet on the left side and 50 feet on the right side of the centerline of the Monsanto Co. Haul Road, being a portion of the S½NE¼ of Section 25, said centerline being described as follows:

Beginning at a point on the West line of the SW¼NE¼ of said Section 25 at Sta. 312+39.22 (Y = 439,569.80, X = 684,130.81) of the said haul road, from which point the Northwest corner of said Section 25 (Y = 441,270.51, X = 681,444.15) bears North 57°40' West, a distance of 3179.70 feet;
thence along the arc of a circular curve to the right having a radius of 859.92 feet and a central angle of 22°26'15", a distance of 336.75, said arc being subtended by a chord bearing North 79°10'53" East, a distance of 334.60 feet;
thence along the arc of a spiral curve to the right having a central angle of 9°00', a distance of 270.00 feet, said arc being subtended by a chord bearing South 83°46'00" East, a distance of 269.71 feet;
thence South 80°36' East, a distance of 996.82 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00', a distance of 150.00 feet, said arc being subtended by a chord bearing South 81°42'00" East, a distance of 149.98 feet;
thence along the arc of a circular curve to the left having a radius of 1432.69 feet and a central angle of 4°16', a distance of 106.69 feet, said arc being subtended by a chord bearing South 85°44'00" East, a distance of 106.66 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00', a distance of 150.00 feet, said arc being subtended by a chord bearing South 89°46'00" East, a distance of 149.98 feet;
thence North 89°08' East, a distance of 683.64 feet to a point on the East line of said Section 25 at Sta. 339+33.12 (Y = 439,420.66, X = 686,799.34) of the said haul road, from which point the East Quarter corner of said Section 25 (Y = 438,767.14, X = 686,798.39) bears South 0°05' West, a distance of 653.51 feet.
ALSO, an additional strip of land 15 feet wide being on the left side of the above described centerline beginning at said Sta. 312+39.22 and ending at Sta. 332+49.48.
ALSO, an additional strip of land 25 feet wide being on the right side of the above described centerline beginning at said Sta. 312+39.22 and ending at Sta. 318+45.97.

ALSO, an addition strip of land 10 feet wide being on the right side of the above described centerline beginning at Sta. 318+45.97 and ending at Sta. 332+49.48.

Township 7 South, Range 42 East of the Boise Meridian:

Section 1: A strip of land 110 feet wide being 50 feet on the left side and 60 feet on the right side of the centerline of the Monsanto Company Haul Road, being a portion of the SE¼SW¼, W½SE¼ and Lot 2 of Section 1, said centerline being described as follows:

Beginning at a point on the South line of said Section 1, at Sta. 177+66.81 (Y = 427,412.47, X = 680,313.45) of said haul road, from which point the South Quarter corner of said Section 1 (Y = 427,414.45, X = 680,524.02) bears North 89°27'41" East, a distance of 210.58 feet, and running
thence North 12°18' East a distance of 820.36 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00' a distance of 150 feet, said arc being subtended by a chord bearing North 11°06' East a distance of 149.98 feet;
thence along the arc of a circular curve to the left having a radius of 1432.69 feet and a central angle of 4°16' a distance of 106.69 feet, said arc being subtended by a chord bearing North 7°10' East a distance of 106.66 feet;
thence along the arc of a spiral curve to the left having a central angle of 3°00', a distance of 150 feet, said arc being subtended by a chord bearing North 3°08' East distance of 149.98 feet;
thence North 2°02' East a distance of 2286.67 feet to a point on the North line of said Section 1 at Sta. 212+80.53 (Y = 430,901.94, X = 680,619.98) of said haul road, from which point the North Quarter corner of Section 1 (Y = 430,901.32, X =680,518.62) bears South 89°39' West a distance of 101.36 feet.
ALSO, an addition strip of land 10 feet wide being on the left side of the above described centerline beginning at Sta. 185+87.17 and ending at said Sta. 212+80.53. EXCEPT, that portion of the above described strip of land which is situated in the NE¼SW¼ of said Section 1, being more particularly described as follows:

Beginning at a point on the South line of the NE¼SW¼ of said Section 1 (Y = 428,736.91, X = 680,483.08) from which point the South Quarter corner of said Section 1 (Y = 427,414.45, X = 680,524.02) bears South 1°46'25" East a distance of 1323.09 feet, and running
thence North 2°02' East along the Westerly right of way line of the Monsanto Company Haul Road, a distance of 1165.61 feet to a point on the East line of the NE¼SW¼ of said Section 1;

thence South 0°00'30" West along the East line of the NE¼SW¼ of said Section 1 a distance of 1164.43 feet to the Southeast corner of the NE¼SW¼ of said Section 1;
thence South 89°23' West along the South line of the NE¼SW¼ of Section 1 a distance of 41.17 feet; to the point of beginning.

Section 12: A strip of land 110 feet wide being 50 feet on the left side and 60 feet on the right side of the centerline of the Monsanto Company Haul Road, being a portion of the E½NW¼ of Section 12, said centerline being described as follows:

Beginning at a point on the South line of the SE¼NW¼ of said Section 12 at Sta. 150÷58.16 (Y = 424,758.46, X = 680,252.06) of the said haul road, from which point the North Quarter corner of said Section 12 (Y = 427,414.45, X = 680,524.02) bearings North 5°51' East a distance of 2669.88 feet, and running
thence along the arc of a spiral curve to the right having a central angle of 1°11'20" a distance of 71.68 feet, said arc being subtended by a chord bearing North 21°17'14" West a distance of 71.67 feet;
thence along the arc of a circular curve to the right having a radius of 2864.93 feet and a central angle of 31°00' a distance of 1550.08 feet, said arc being subtended by a chord bearing North 5°18' West a distance of 1531.24 feet;
thence along the arc of a spiral curve to the right having a central angle of 2°06' a distance of 210 feet, said arc being subtended by a chord bearing North 11°36' East a distance of 209.99 feet;
thence North 12°18' East a distance of 876.90 feet to a point on the North line of said Section 12, at Sta. 177÷66..81 (Y = 427,412.47, X = 680,313.45) of said haul road, from which point the North Quarter corner of Section 12 bears North 89°27'41" East a distance of 210.58 feet.

ALSO, an additional strip of land 10 feet wide being on the left side of the above described centerline beginning at Sta. 150÷58.16 and ending at Sta. 168÷89.91.

ALSO, an additional strip of land 15 feet wide being on the right side of the above described centerline beginning at Sta. 150÷58.16 and ending at Sta. 168+89.91.

ALSO, Beginning at the Southwest corner of the NW¼SE¼ of Section 12 (Y = 423,431.66, X = 680,530.07) from which point the Southwest corner of said Section 12 (Y = 422,113.32, X = 677,992.41) bearings South 62°32'52" West a distance of 2859.67 feet, and running
thence North 0°05'13" West along the West line of the said NW¼SE¼ of said Section 12 a distance of 862.64 feet;
thence South 22°54' East a distance of 517.72 feet;
thence South 0°01'19" West a distance of 385.80 feet to the South line of the said NW¼SE¼ of said Section 12;

thence North 89°58'41" West along the South line of said NW¼SE¼ of said Section 12 a distance of 200 feet,
to the point of beginning.

4. An Easement for mining phosphate deposits disclosed by State of Idaho Easement disclosed by State of Idaho Easement, dated May 13, 1969, recorded June 5, 1969, under recorder's instrument No. 66615, more particularly described as follows:

Township 6 South, Range 42 East of the Boise Meridian:

Section 13: SW¼NW¼, SW¼.
Section 14: NE¼SE¼, NE¼, N½NW¼.
Section 24: E½NW¼, W½NE¼, SE¼NE¼, E½SE¼, NW¼SE¼, NW¼NW¼, SW¼SE¼.
Section 25: NW¼NE¼, NE¼NE¼.

Township 6 South, Range 43 East of the Boise Meridian:

Section 29: SW¼SW¼.
Section 32: W½NW¼.

5. An Easement for a road granted by the Idaho Citizens Grazing Association, dated October 2, 1987, recorded October 6, 1987, under recorder's instrument No. 132767, more.partiuclarly described as follows:

Township 6 South, Range 43 East of the Boise Meridian:

A strip of land called the Enoch Valley Haul Road Extension, situated in the W½SW¼, W½NW¼ and NE¼NW¼ of Secction 28, Township 6 South, Range 43 East of the Boise Meridian, being 200 feet in width and lying 100 feet on each side of the centerline, more particularly described as follows:

Beginning at a point on said Enoch Valley Haul Road Extension, which point is South 306 feet, more or less, and West 1406 feet, more or less, from the Southwest corner of said Section 28 (said point being referred to as Station 97÷14.67 on the plat of said Enoch Valley Haul Road Extension on file in the Soda Springs Plant Mining Department of Monsanto Company.), and running
thence on a 3°29'37" curve to the left 2382.17 feet (Station 120÷96.83);
thence North 4°26'09" East 2818.87 feet (Station 149÷15.70);
thence on a 3°59'44' curve to the right 1657.19 feet (Station 165÷72.89);
thence North 70°38'57" East 415.77 feet (Station 169÷83.66);
thence on a 3°59'44" curve to the left 835.12 feet (Station 178÷23.78), which point is North 722 feet, more or less, and East 2442 feet, more or less, from the Northwest corner of said Section 28.

6. An Easement for a road and mining phosphate deposits disclosed by State of Idaho Easement, dated November 10, 1987, recorded November 22, 1987, under recorder's instrument No. 133123, more particularly described as follows:

Township 6 South, Range 43 East of the Boise Meridian:

Section 21: NE¼, N½NE¼NW¼, SE¼SW¼SW¼, SW¼SE¼SW¼, E½SE¼SW¼, N½SE¼, SW¼SE¼.
Section 29: A 600 foot corridor over the following:
W½SW¼, SE¼SW¼, SE¼SE¼.
Section 32: N½N½.
Sections 29 and 32: A strip of land called the Enoch Valley Haul Road Extension, situated in the the W½SW¼, SE¼SW¼ and the SE¼SE¼ of Section 29 and the N½N½ of Section 32, being 600 feet in width and lying 300 feet on each side of the centerline described as follows:

Beginning at a point on the said Enoch Valley Haul Road Extension, which point is North 1526 feet, more or less, and West 257.00 feet, more or less, from the Southwest corner of said Section 29, said corner being 5280.00 feet West of the Southeast corner of said Section 29 (said point being referred to as Sta. 48+80.61 on a plat of said Enoch Valley Haul Road Extension on file in Soda Springs Plant Mining Department Office of Monsanto Company,
and running
thence South 43°22'15" East 122.38 feet to Sta. 50+03.44;
thence on a 0°45'00" curve left 814.58 feet to Sta. 58+18.02;
thence South 49°28'47" East 1188.36 feet to Sta. 70+06.30;
thence on a 2°51'53" curve left 1496.10 feet to Sta. 85+02.47;
thence North 87°39'37" East 1212.20 feet to Sta. 97+14.67;
thence on a 3°42'27" curve left 2382.17 feet to Sta. 120+96.83;
thence North 4°26'09" East 2818.87 feet to Sta. 149+15.70, which point is North 4016.00, more or less, and East 381.00 feet, more or less, from the Southeast corner of said Section 29.

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

February 3, 2000

BILL HARRIS
OREGON TRAIL COUNTRY CLUB
PO BOX 567
SODA SPRINGS ID 83276

RE: Application for Transfer No.: 5619, 5620 and 5621

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1) Are other water rights injured by the transfer?
2) Does the change constitute enlargement in the use of the original water right?
3) Is the change consistent with the conservation of water resources within the state of Idaho?
4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Respectfully submitted,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office

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

February 3, 2000

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

RE: Application for Transfer No.: 5619, 5620 and 5621

Dear Applicant:

Enclosed please find copies of the protests filed against the above referenced application for transfer of a water right. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1) Are other water rights injured by the transfer?
2) Does the change constitute enlargement in the use of the original water right?
3) Is the change consistent with the conservation of water resources within the state of Idaho?
4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

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

Respectfully submitted,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR State Office

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

February 3, 2000

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
PO BOX 25486
DENVER CO 80225

RE: Application for Transfer No. 5619, 5620 and 5621

Dear Protestant:

This letter acknowledges receipt of the protest filed by you against the above referenced applications for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?

2. Does the change constitute enlargement in the use of the original right?

3. Is the change consistent with the conservation of water resources within the state of Idaho?

4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

PR PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

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

Respectfully submitted,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

cc: IDWR - State Office

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5619

Notice is hereby given that P4 Production LLC, P.O Box 816, Soda Springs, Idaho 83276 has applied to the Department of Water Resources to change the point of diversion and to change the place of use of surface water sources. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 11-00471
Source: Soda Creek/Bear River
Amount: 4.6 cfs
Priority: 2/10/1881
Decree No.: 11-00448
Source: Soda Creek/Bear River
Amount: 0.30 cfs
Priority: 6/1/1909
Decree No.: 11-00457
Source: Soda Creek/Bear River
Amount: 0.10 cfs
Priority: 2/10/1881
Decree: 11-00499
Source: Soda Creek/Bear River
Amount: 0.60 cfs
Priority: 5/1/1881
Decree No.: 11-02106
Source: Waste Water/Soda Creek
Amount: 2.00 cfs
Priority: 10/11/1952
Point(s) of Diversion: NWNE Sec. 36 T08S R41E, CARIBOU COUNTY
NESE Sec. 36 T08S R41E, CARIBOU COUNTY
NESW Sec. 6 T09S R42E, CARIBOU COUNTY
The water is used for irrigation of 202 acres within Sec. 6 T09S R42E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant is leaving the above rights on 51 acres of the original farm located in the N 1/2 SW 1/4 Sec. 6 T09S R42E. The point of diversion remains as the NESW Sec. 5 T09S R42E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 North Skyline Drive, Idaho Falls, Idaho 83402, together with a protest fee of $25 on or before Jan. 31, 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 Jan. 13 and 20, 2000.

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

13th day of January, 2000

The date of the last publication being the 20th day of January, 2000

On this 7th day of February in the year of 2000, before me, a Notary Public, personally appeared

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 1, 2006

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 5619, 5620, 5621 AND 5622 IN THE NAME OF P4 PRODUCTION AND RANDY PANTER	))))	NOTICE OF PREHEARING CONFERENCE

The Department has scheduled this matter for a prehearing conference at 10:00 a.m. on May 12, 2000, at the Pocatello Airport in Pocatello, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

1. **Identify spokesman and/or counsel representing the protestant.**
2. **Review of the application.**
3. **Identify issues of protest.**
4. **Designate date for identifying witnesses.**
5. **Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.**

The hearing will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

Dated this 4th day of April, 2000.

RONALD D. CARLSON
Regional Manager

I hereby certify that on the 5th day of April 2000, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

SHARLA COX
Administrative Assistant

CERTIFIED MAIL

Farmers Land & Irrigation Company
1770 Jorgenson Rd
Grace ID 83241

Jerry Rigby
PO Box 250
Rexburg ID 83440

Jana Varner
C/O US Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225

Jody Williams
C/O Kruse, Landa & Maycock
50 West Broadway Ste 800
Salt Lake City UT 84101

Randall Budge
PO Box 1391
Pocatello ID 83204-1391

U.S. FISH & WILDLIFE SERVICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

U.S. Department of the Interior
1849-1999

RECEIVED
FEB 0 1 2000
Department of Water Resources
Eastern Region

JAN 31 2000

Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Sir or Madam:

The Fish and Wildlife Service protests the Proposed Change of Water Right Nos. T5619 (change the point of diversion and place of use of surface water sources), T5620, and T5621 (change the point of diversion, place of use, and source of surface water source), filed by P4 Production LLC.

It is the position of the Service that approval of these applications would increase the consumptive use of water in the Bear River Basin and has the potential to adversely affect the water rights held by the United States of America for the Bear River Migratory Bird Refuge.

Enclosed is a Money Order in the amount of $75 to cover the required protest fee.

If you have questions or require further information, please contact me at (303) 236-5321 extension 223.

Sincerely,

Cheryl C. Williss

Cheryl C. Williss
Chief, Division of Water Resources

Enclosure

cc:P4 Production LLC
Box 816
Soda Springs, ID 83274

E025582

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

JUL 10 2000

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Mr. Jones:

The Fish and Wildlife Service protested Change Application Nos. T5619, T5620, and T5621, filed by P4 Production LLC, because of its concern that the changes would result in an expansion of irrigated acreage and/or a reduction of return flows to the Bear River. The Service hereby withdraws its protests, provided that the following conditions are made a part of the approved permits:

1. A measuring device is properly installed at a point below the last diversion on Soda Creek to insure that historic flows from Soda Creek to Bear River continue unimpeded, with records properly maintained; and

2. The 3.02 cfs of water that is the subject of T5620 and T5621 is measured past the device and allowed to flow into the Bear River to replace the water diverted from the Bear River by Oregon Trail Golf Course and Last Chance Canal Company.

3. No expansion of irrigated acreage from historical uses is allowed.

Sincerely,

Cheryl C. Williss

Cheryl C. Williss
Chief, Water Resources Division

cc: Jerry Rigby
Rigby, Thatcher, Andrus,
Rigby & Kam, Chartered
P.O. Box 250
25 North Second East
Rexberg, ID 83440

Jody Williams
Kruse, Landa & Maycock, LLC
P.O. Box 45561
Salt Lake City, UT 84145-0561

Randy Budge
P4 Production
Box 816
Soda Springs, ID 83274

COVER

SHEET

RECEIVED
JAN 3 1 2000
Department of Water Resources
Eastern Region

FAX

To: Harold Jones
Fax #: 208-525-7177
Subject: Objection T5619, T5620, and T5621
Date: January 31, 2000
Pages: 2, including this cover sheet.

COMMENTS:

Attached is Protest letter for the above Proposed Change of Water Rights filed by P4 Production LLC. Protests must be received by Jan. 31. The original letter and fee will follow.

Thanks.

Linda

From the desk of...

Linda Coe
Water Rights Technician
Division of Water Resources
P.O. Box 25486, Denver Federal Center
Denver, CO 80225

(303) 236-5321 ext. 227
Fax: (303) 236-4224

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

July 12, 2000

P4 PRODUCTION, L.L.C.
PO BOX 816
SODA SPRINGS ID 83276

RE: Withdrawal of protest on Application for Transfer No. 5619, 5620, and 5621

Dear Sir:

This Department has received withdrawals of protests from Fish and Wildlife Service and Kruse, Landa & Maycock, L.L.C.

Our office will continue to process you application.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/cv

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

July 12, 2000

UNITED STATES DEPARTMENT OF INTERIOR
FISH AND WILDLIFE SERVICE
PO BOX 25486
DENVER CO 80225-0486

RE: Withdrawal of protest on Application for Transfer No.: 5619, 5620 and 5621

Dear Protestants:

This Department has received your withdrawal of protest against the application of P4 Production, L.L.C. We will continue to process this application.

If you have any questions, please call our office.

Sincerely,

Harold W. Jones
Water Rights Supervisor

HWJ/cv

RECEIVED

JUL 1 2000

Department of Water Resources

TO: Transf # 5619, 5620, 5621
FROM: H W Jones

The intent of these three transfers is 1.- Leave 50 acres of irrigation on the original farm via transf. 5619. Since a pump will be used instead of the old delivery ditch the 3.08 cfs carrying water is left behind for the next appropriator on Soda Creek.
2.- Transf 5620 moves 50 acres and 1.00 cfs to the Bear River to irrigate the golf course.
3.- Transf 5621 moves the remaining 101 acres and 2.02 cfs to be used out of the Bear river in the Last Chance Canal system.

Since the original source is Soda Creek a measuring device is required on Soda Creek just downstream or below the Farmers Land & Irrigation Canal which is the last diversion on the Creek to make sure that the 3.02 cfs of the creek water is bypassed and reaches Bear River.

If the cover letter that goes to the applicant with the eventual approval of the transfers could include the remark that the carrying water is forfeited to the system, it would help clarify the issue for the protestants and other parties in the future.

H W Jones

7-13-00

11-00457

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
BA WTR
WR UT
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

RECEIVED
JUL 19 2000
Department of Water Resources

RECEIVED
JUL 10 2000

RECEIVED
JUL 14 2000
Department of Water Resources
Eastern Region

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Mr. Jones:

The Fish and Wildlife Service protested Change Application Nos. T5619, T5620, and T5621, filed by P4 Production LLC, because of its concern that the changes would result in an expansion of irrigated acreage and/or a reduction of return flows to the Bear River. The Service hereby withdraws its protests, provided that the following conditions are made a part of the approved permits:

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Sincerely,

Cheryl C. Williss
Chief, Water Resources Division

cc: Jerry Rigby
Rigby, Thatcher, Andrus,
Rigby & Kam, Chartered
P.O. Box 250
25 North Second East
Rexberg, ID 83440

Jody Williams
Kruse, Landa & Maycock, LLC
P.O. Box 45561
Salt Lake City, UT 84145-0561

Randy Budge
P4 Production
Box 816
Soda Springs, ID 83274

RECEIVED
JUL 14 2000
Department of Water Resources

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FROM: H W Jones

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H W Jones
7-13-00

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).

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.

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 19, 2000

CRAIG HILL
WATERMASTER
220 N 3RD E
SODA SPRINGS ID 83276

RE: TRANSFER OF WATER RIGHTS 11-00448/11-00457/11-00471/
11-00499/11-02106 (Transfer 5619)

Dear Craig:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5619) in the name P4 Production, LLC.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

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 19, 2000

P4 PRODUCTION LLC
PO BOX 816
SODA SPRINGS ID 83276

RE: TRANSFER OF WATER RIGHTS 11-00448/11-00457/11-00471/11-00499/
11-02106 (Transfer 5619)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5619). 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,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 19th 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: TRANSFER OF WATER RIGHTS 11-00448/11-00457/11-00471/ 11-00499/11-02106 (Transfer 5619)

P4 PRODUCTION
PO BOX 816
SODA SPRINGS ID 83276

Kari Lynn Townsend
Secretary