

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 11-2102

Date Received: 2/5/24

Receipt No: P000737

Claim Fee: 272.00 By: mb

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FEB 05 2024

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) P4 Production, L.L.C. Phone ( 208 ) 547-1239  
Mailing address PO Box 816 Soda Springs Idaho Zip 83276  
Street or Box City State  
Email address (optional) jason.maughan@bayer.com
2. Date of priority: (Only one per claim) October 7, 1951 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_
4. a. Location of point of diversion is: Township 8S, Range 42E, Section 30,  
SE 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_, BM, County of Caribou  
Parcel no. 08S42E310001 and 08S42E294300  
Additional points of diversion, if any: SWNE, SENE, NESE, SWSE of Section 31  
If available, GPS Coordinates \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_  
Ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.  
Four production wells with electric pumps and tied into water delivery systems via piping, tanks, and fixtures.  
Five plume capture wells which supply water to the treatment facility. This water only pumps treated water  
and discharges it into Soda Creek as required by CERCLA. The plume capture water is not used in the  
production process. All contain measuring devices.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Industrial purposes from 01/01 to 12/31 amount 2.22 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.22 (cfs) and/or (b) \_\_\_\_\_ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Industrial

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 9S  | 42E | 6   |    | I  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | N/A    |
| 8S  | 42E | 29  |    |    |    |    |    |    |    |    | I  | I  | I  | I  |    |    |    |    | N/A    |
| 8S  | 42E | 30  | I  | I  | I  | I  |    |    |    |    |    |    |    |    | I  | I  | I  | I  | N/A    |
| 8S  | 42E | 31  |    |    |    |    |    |    |    |    |    |    |    |    | I  | I  | I  | I  | N/A    |
| 8S  | 42E | 32  |    |    |    |    | I  | I  | I  |    |    | I  | I  |    |    |    |    |    | N/A    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel no(s). 08S42E310001, 08S42E295401, 08S42E300601, 08S42E294801, 09S42E060400 Total number of acres irrigated N/A

10. In which county(ies) are lands listed above as place of use located? Caribou

11. Do you own the property listed above as place of use? Yes (✓) No ( )  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.  
11-2107A, 11-2107B, and 11-2141 or None ( )

13. Remarks (Include an explanation of the priority date selected):

This claim is based on licensed issued 3/12/1979.

~~List of Attachments to Claim Form:~~

1. IDWR Water Right Report of 11-2102

2. IDWR Map of 11-2102

~~3. Map depicting the current point of diversion and place of use~~

Name of claimant(s) P4 Production, L.L.C.

Claim ID \_\_\_\_\_

14. Basis of claim (Check one) Beneficial Use ( ) Posted Notice (✓) License ( ) Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 11-2102

15. Signature(s)

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."  
(b.) I/We do ( ) do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

**For Individuals:** I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

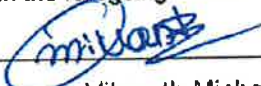
Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President of P4 Production, L.L.C.  
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 1/31/24

Printed Name of Authorized Agent Vikranth Michael

16. Notice of Appearance:

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 1/31/2024

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) P4 Production, L.L.C. Claim ID \_\_\_\_\_

Close

## Water Right Report : 11-2102( License/Active)

### Water Right Owners

| Owner Type    | Name        | Address                            | City         | State | Postal Code |
|---------------|-------------|------------------------------------|--------------|-------|-------------|
| Current Owner | MONSANTO CO | C/O MINE SUPERINTENDENT PO BOX 816 | SODA SPRINGS | ID    | 83276       |

### Water Right Status

Priority Date : 10/7/1951  
Basis : License  
Status : Active

### Water Source

| Source       | Source Qualifier | Tributary | Tributary Qualifier |
|--------------|------------------|-----------|---------------------|
| GROUND WATER |                  |           |                     |

### Points Of Diversion (Location)

| Source       | Township | Range | Section | Govt. Lot | QQQ | QQ | Q  | County  | Diversion Type |
|--------------|----------|-------|---------|-----------|-----|----|----|---------|----------------|
| GROUND WATER | 08S      | 42E   | 30      | 0         |     | SE | SE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | SE | NE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | SE | NE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | NE | SE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | NW | SE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | SW | SE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | SW | SE | CARIBOU |                |
| GROUND WATER | 08S      | 42E   | 31      | 0         |     | SW | SE | CARIBOU |                |

### Water Uses

| Beneficial Use | From | To    | Diversion Rate | Volume |
|----------------|------|-------|----------------|--------|
| INDUSTRIAL     | 1/01 | 12/31 | 2.22 CFS       |        |
| <b>TOTAL</b>   |      |       | 2.22 CFS       |        |

### Places of Use

Printable View

Paged View

Place of Use Legal Description : INDUSTRIAL (CARIBOU county)

| Township | Range | Section | Lot | QQQ | QQ | Q | Acres |
|----------|-------|---------|-----|-----|----|---|-------|
| 08S      | 42E   | 19      |     | SW  | SE |   |       |
| 08S      | 42E   | 19      |     | SE  | SE |   |       |
| 08S      | 42E   | 31      |     | NE  | NE |   |       |
| 08S      | 42E   | 31      |     | NW  | NE |   |       |
| 08S      | 42E   | 31      |     | SW  | NE |   |       |
| 08S      | 42E   | 31      |     | SE  | NE |   |       |

### Conditions

#### Code Conditions

- X35 Rights 11-2102, 11-2107A, 11-2107B and 11-2141 when combined shall not exceed a total annual maximum diversion volume of 5,000 acre-feet.
- The instantaneous rate of diversion from the four ground water wells located in the SE1/4 of Section 31, T08S, R42E, shall not exceed 1.80 cfs.
- 212 Prior to diversion and use of water under Transfer Approval 79037, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

To mitigate for depletion to Soda Creek resulting from ground water diversion, the right holder shall continuously discharge into Soda Creek an amount of water greater than or equal to the total amount of water diverted from the authorized ground water wells located in the NWSE and SWSE of Section 31, T08S, R42E.

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

#### Dates

Licensed Date : 3/12/1979  
Decreed Date :  
Permit Proof Due Date :  
Permit Proof Made Date :  
Permit Approved Date :  
Permit Moratorium Expiration Date :  
Enlargement Use Priority Date :  
Enlargement Statute Priority Date :  
Application Received Date:  
Protest Deadline Date:

IDAHO DEPARTMENT OF WATER RESOURCES

#### Other Information

State or Federal :  
Water District Number : TBD  
Generic Max Rate Per Acre : 0  
Generic Max Volume Per Acre : 0  
Civil Case Number :  
Decree Plaintiff :  
Decree Defendant :  
Swan Falls Trust or Nontrust :  
Swan Falls Dismissed :  
DLE Act Number :  
Cary Act Number :  
Mitigation Plan: False

6/28/2023

State of Idaho  
Department of Water Resources

# Water Right

11-2102

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

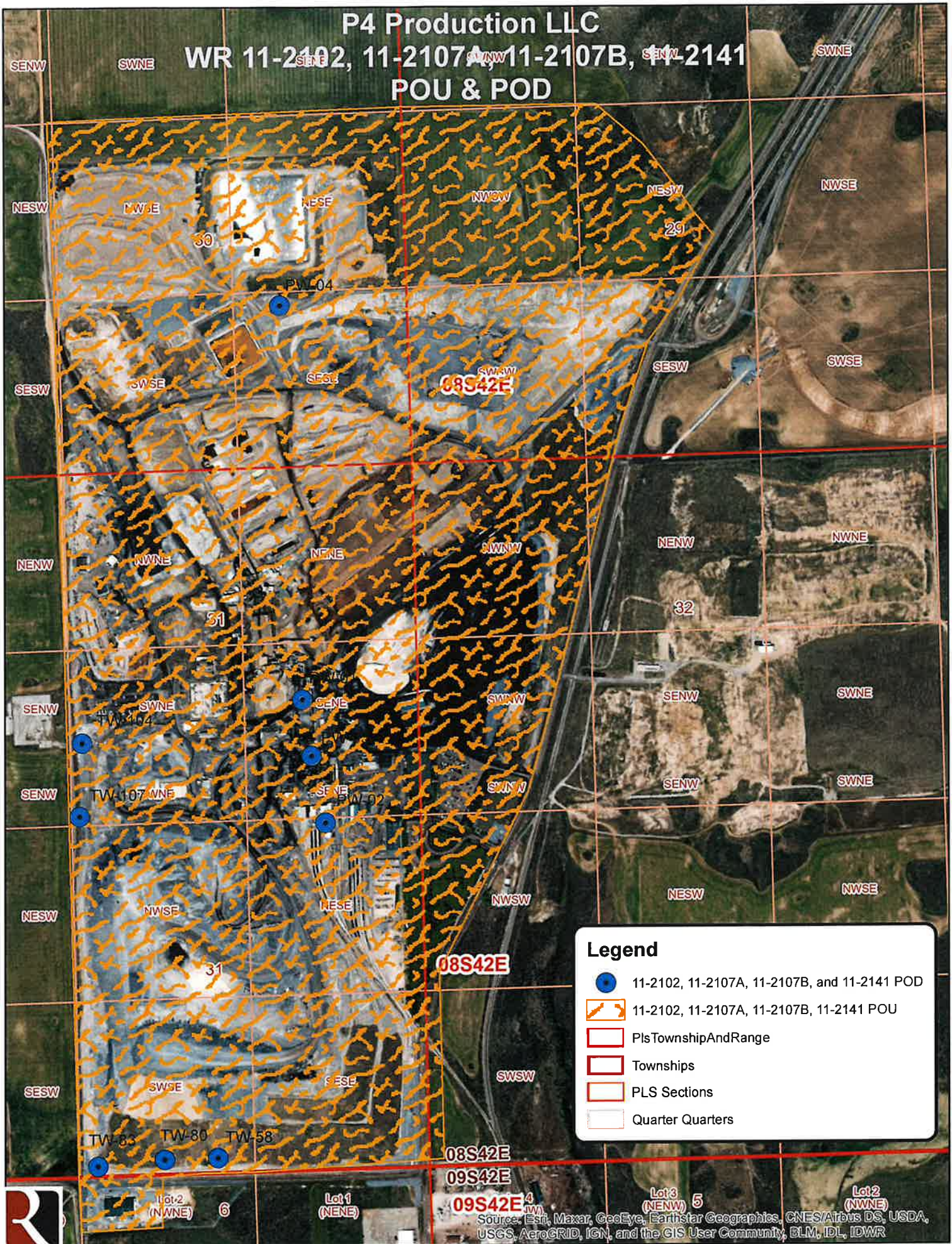


Date created: 6/28/2023

P4 Production, L.L.C.

# P4 Production LLC

WR 11-2102, 11-2107A, 11-2107B, 11-2141  
POU & POD



## Legend

- 11-2102, 11-2107A, 11-2107B, and 11-2141 POD
- 11-2102, 11-2107A, 11-2107B, 11-2141 POU
- PlsTownshipAndRange
- Townships
- PLS Sections
- Quarter Quarters



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, BLM, IDL, IDWR



February 1, 2024

Idaho Department of Water Resources  
325 East 600 South, Ste 300  
Preston, Idaho 83263-4921  
marion.beck@idwr.idaho.gov

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FEB 05 2024

IDWR/Preston

**Re: P4 Production, L.L.C.  
Notices of Claims to Water Rights  
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of twelve Notices of Claims to Water Rights on behalf of P4 Production, L.L.C., together with a check in the amount of \$2,453.00 for the filing fees, broken down as follows:

**Claim 1 (11-448):** \$50 flat fee + (\$1.00 per acre x 51 acres) = \$101  
**Claim 2 (11-457 & 11-471):** \$50 flat fee + (no variable fee, claiming same POU acres) = \$50  
**Claim 3 (11-499):** \$50 flat fee + (no variable fee, claiming same POU acres) = \$50  
**Claim 4 (11-2106):** \$50 flat fee + (no variable fee, claiming same POU acres) = \$50  
**Claim 5 (11-531D):** \$50 flat fee + (\$1.00 per acre x 48 acres) = \$98  
**Claim 6 (11-531C):** \$50 flat fee + (\$1.00 per acre x 101 acres) = \$151  
**Claim 7 (11-449):** \$50 flat fee + (no variable fee, claiming same POU acres) = \$50  
**Claim 8 (11-2144):** \$50 flat fee + (\$100 per cfs x 3.68 industrial) + (\$100 per cfs x 3.68 mining)  
= \$786  
**Claim 9 (11-2102):** \$50 flat fee + (\$100 per cfs x 2.22 industrial) = \$272  
**Claim 10 (11-2107A):** \$50 flat fee + (\$100 per cfs x 1 industrial) = \$150  
**Claim 11 (11-2107B):** \$50 flat fee + (\$100 per cfs x 1.6 industrial) = \$210  
**Claim 12 (11-2141):** \$50 flat fee + (\$100 per cfs x 4.35 industrial) = \$485  
**Total: \$2,453.00**

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

  
TESSA SPARROW  
Paralegal

Enclosures

c: Jason Maughan, P4 Production, L.L.C.



201 E. Center Street / P.O. Box 1391  
Pocatello, Idaho 83204  
(208)232-6101 - Phone  
(208)232-6109 - Fax

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