

**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: 11-2106

Date Received: 06/16/25

Receipt No: P000737

Claim Fee: 50.00 By: MB

RECEIVED

AMENDED

JUN 16 2025

**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 11, 1952 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) wastewater
which is tributary to (b) Soda Creek
4. a. Location of point of diversion is: Township 9S, Range 42E, Section 6,
NWNW 1/4 of SW 1/4, Govt. Lot 4, BM, County of Caribou
Parcel no. 09S42E062401
Additional points of diversion, if any: NESW of Section 6, Township 9S, Range 42E (point of rediversion)
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.
Water from P4's wastewater treatment plant is transported by pipe and injected into Soda
Creek at the point of injection, then diverted from Soda Creek at a point downstream using a
sump pump with electric pump.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/15 to 10/15 amount 1.02 or 178.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.02 (cfs) and/or (b) 178.5 (acre-feet)

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

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								28	23								51

Parcel no(s). 09S42E062401 Total number of acres irrigated 51

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.
11-448, 11-457, 11-471, and 11-499 or None (☐)

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

This claim is based on licensed issued 8/23/1956.

~~List of Attachments to Claim Form:~~

1. IDWR Water Right Report of 11-2106
2. Map depicting the point of injection, 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 11-2106

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: 2

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

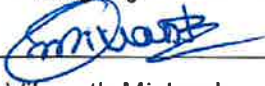
President

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 _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Close

Water Right Report : 11-2106(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Attorney	BUDGE, RANDALL C	PO BOX 1391	POCATELLO	ID	83204-1391
Current Owner	P4 PRODUCTION LLC	PO BOX 816	SODA SPRINGS	ID	83276-0816
Original Owner	KACKLEY, EVAN M			ID	

Water Right Status

Priority Date : 10/11/1952
 Basis : License
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WASTE WATER		SODA CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
WASTE WATER	09S	42E	6	4		NW	NW	CARIBOU	
WASTE WATER	09S	42E	6	0		NE	SW	CARIBOU	Rediversion

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	1.02 CFS	178.50 AFA
TOTAL			1.02 CFS	178.50 CFS

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
09S	42E	6		NE	SW	31	
09S	42E	6		NW	SW	20	

Irrigation Totals

Total Acres Acre Limit
 51.00

Conditions

Code Conditions

- R43 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.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- 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.
- R63 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.

Right No. 11-00448 is limited to irrigation of 14.0 acres in the place of use described above in a single irrigation season. Right No. 11-00457 is limited to irrigation of 5.0 acres in the place of use described above in a single irrigation season. Right No. 11-00471 is limited to irrigation of 1.3 acres in the place of use described above in a single irrigation season. Right No. 11-00499 is limited to irrigation of 30.0 acres in the place of use described above in a single irrigation season. 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. 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. 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 redirection from Soda Creek. 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 subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.

Dates

Licensed Date : 8/23/1956
Decreed Date :
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment 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 : 11B
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit : 51.00
Combined Volume Limit: 178.50
Combined Rate Limit: 1.02
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

P4 Production LLC - WR 11-2106 POU & POD

