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Subcase No. 27-2053

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER RIGHTS

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

CLAIMANT:
Nu-West Industries, Inc.

CLAIMANT/RESPONDENT:
FMC Production, LLC

Date _____

Linda B. Jones

Date _____

Attorney for Claimant/Respondent

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

In Re SRBA

Subcase No. 27-2053

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Nu-West Industries, Inc.

CLAIMANT/RESPONDENT:

FMC Production, LLC

Jim D. Dood 5/31/07
By: _____ Date

Title: Vice President

Linda B. Jones _____ Date
Attorney for Claimant/Respondent

OBJECTOR:

Jeanette Wolfley 5/30/07
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

David J. Barber Date
Attorney for State of Idaho

Zach C. Miller Date
Pro Se

IDWR Concurrence:

Cindy Bird Date
Senior Water Resource Agent

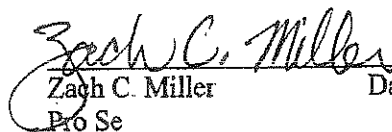
LB 4/5/07
Garick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

OBJECTOR:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

David J. Barber Date
Attorney for State of Idaho

 5/30/07
Zach C. Miller Date
Pro Se

IDWR Concurrence:

Cindy Bird Date
Senior Water Resource Agent

 4/5/07
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

OBJECTOR:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

David J. Barber 6/7/2007 _____
David J. Barber Date Zach C. Miller Date
Attorney for State of Idaho Pro Se

IDWR Concurrence:

Cindy Bird 6/18/07 _____
Cindy Bird Date Garick L. Baxter Date
Senior Water Resource Agent Deputy Attorney General
Attorney for IDWR

03/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2053
NAME AND ADDRESS: FMC PRODUCTION LLC
PO BOX 4111
POCATELLO ID 83205

NU-WESI INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276

SOURCE: DRY VALLEY CREEK

IRIBUARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
4.50 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume of 4.5 af. Combined Right Nos.: 27-2050 and 27-2053.

PRIORITY DATE: 09/04/1922

POINT OF

DIVERSION:

T07S R44E S31 SWSNE End of Stream Flow Within CARIBOU County

T07S R44E S31 SESWNE Begin of Stream Flow Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/15 11/15

0.020 CFS

4.50 AFY

PLACE OF USE:

STOCKWATER in CARIBOU County

T07S R44E S31

SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED DUE TO NON-USE FROM 1976 TO 2003.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
FORFEITED/ABANDONED: This is included for a claim based on a decree or license where the irrigation portion of this right is PROPOSED to be disallowed on the basis that the irrigation portion of the right was forfeited because abandonment of the right was confirmed.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Stockwater use is for 400 pairs of range cattle.

03/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2053

NAME AND ADDRESS: FMC PRODUCTION LLC
PO BOX 4111
POCATELLO ID 83205NU-WEST INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS ID 83276

SOURCE: DRY VALLEY CREEK

IRIBUARY: BLACKFOOT RIVER

QUANTITY: 0.020 CES
4.50 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume of 4.5 af. Combined Right Nos.: 27-2050 and 27-2053.

PRIORITY DATE: 09/04/1922

POINT OF
DIVERSION:T07S R44E S31 SWSWNE End of Stream Flow Within CARIBOU County
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PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
05/15 11/15QUANTITY
0.020 CES
4.50 AFY

PLACE OF USE:

STOCKWATER in CARIBOU County
T07S R44E S31 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN
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of historical beneficial use.This partial decree is subject to such general provisions necessary for
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disallowed on the basis that the irrigation portion of the right was forfeited
because abandonment of the right was confirmed.RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.Stockwater use is for 400 pairs of range cattle.

Standard Form 5/Amended Claim: 27-2053

CERTIFICATE OF MAILING

I certify that on July 6, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

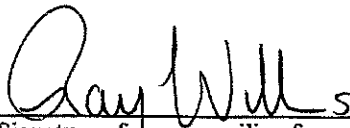
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FMC PRODUCTION LLC
Represented by:
LINDA B. JONES
PO BOX 2527
BOISE, ID 83701

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

ZACH C MILLER
DAVIS GRAHAM & STUBBS LLP
1500 17TH ST SUITE 500
DENVER, CO 80202

NU-WEST INDUSTRIES INC
DBA AGRUM CONDA PHOSPHATE
3010 CONDA RD
SODA SPRINGS, ID 83276


Signature of person mailing form