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DEPARTMENT OF
WATER RESOURCES

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. 27-2050

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

By:

Date

Title:

Linda B. Jones

Date

Attorney for Claimant/Respondent

Linda B. Jones 5/30/2007

**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. 27-2050
	)	
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	)	STANDARD FORM 5
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	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER RIGHTS

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CLAIMANT:
Nu-West Industries, Inc.

CLAIMANT/RESPONDENT:
FMC Production, LLC

Jon P. Good 05/31/07
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

LBt 4/15/07
Garth 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
Attorney for State of Idaho

Zach C. Miller Date
Pro Se

IDWR Concurrence:

Cindy E. Bird *6/18/07*
Cindy Bird Date
Senior Water Resource Agent

L. B. Baxter *4/15/07*
Garrick 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

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

IDWR Concurrence:

Cindy Bird Date
Senior Water Resource Agent

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

03/23/2007

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-2050

NAME AND ADDRESS: FMC PRODUCTION LLC
PO BOX 4111
POCATELLO ID 83205

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

SOURCE: DRY VALLEY CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
4.50 AFY

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.

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

PRIORITY DATE: 10/12/1922

POINT OF

DIVERSION: T07S R44E S31 SWSSE End of Stream Flow Within CARIBOU County
107S R44E S32 SESWSW 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

107S R44E S31	SENE	107S R44E S31	NESE
107S R44E S32	NWSW	107S R44E S32	SWSW

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

THE IRRIGATION PORTION IS 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

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or
license where the irrigation portion is PROPOSED to be disallowed on the
basis that the irrigation portion of the right was forfeited by nonuse because
abandonment of the right was confirmed.

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: 27-2050

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

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PURPOSE AND
PERIOD OF USE:PURPOSE OF USE

STOCKWATER

PERIOD OF USE

05/15 11/15

QUANTITY

0.020 CFS

4.50 AFY

PLACE OF USE:

STOCKWATER in CARIBOU County

T07S R44E S31

SENE

T07S R44E S31

NESE

T07S R44E S32

NWSW

T07S R44E S32

SWSW

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abandonment of the right was confirmed.

Stockwater use is for 400 pairs of range cattle.

Standard Form 5/Amended Claim: 27-2050

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

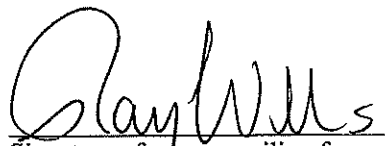
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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