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DEPARTMENT OF
WATER RESOURCES

COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG - 3 2011

By

Clerk

Deputy Clerk

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. 27-11375

) (*Motion for Accounting*)

Case No. 39576

)
) **ORDER ON FMC PRODUCTION, LLC'S
OBJECTION**

)

)

)

)

On October 25, 2010, the State of Idaho filed a *Motion for An Accounting of All Water Rights Benefitting from the Subordination Provisions of the Fort Hall Consent Decree and Insertion of a Remark Memorializing that Benefit on Each Affected Water Right* ("Motion for Accounting") in the above-captioned matter. The *Motion for Accounting* identified 223 water rights the State asserted were entitled to the subordination protections of paragraph 27-11375.x.d. of the *Fort Hall Consent Decree*¹ and requested that a remark be included in each right memorializing the right to subordination.

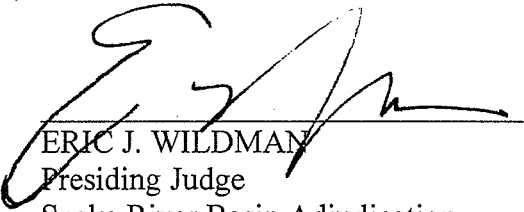
On January 3, 2011, FMC Production, LLC filed an *Objection to State's Motion for Accounting*, objecting to certain of its water rights not being included in the State's list of water rights benefitting from the subordination provisions of the *Fort Hall Consent Decree*. On July 29, 2011, a *Stipulation Resolving Objection* was filed wherein the Shoshone-Bannock Tribes, the United States, the State of Idaho and FMC Production, LLC agreed that "[t]he protections of paragraph 27-11375.x.d of the Partial Final Consent Decree Determining Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin, also known as the Fort Hall Consent Decree, apply to *de minimis* stockwater right nos. 27-2162, 27-2050, and 27-2053, held by FMC Production LLC." *Stipulation Resolving Objection*, p.1

¹ The term *Fort Hall Consent Decree* refers to the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* entered in Twin Falls County Case No. 39576 on August 2, 1995.

Therefore, IT IS HEREBY ORDERED that pursuant to the *Stipulation Resolving Objection* filed in the above-captioned matter on July 29, 2011, water rights 27-2162, 27-2050, and 27-2053, held by FMC Production, LLC, are entitled to the protections of paragraph 27-11375.x.d. of the *Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin* entered in Twin Falls County Case No. 39576 on August 2, 1995.

DATED:

August 3, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON FMC PRODUCTIONS LLC'S OBJECTION was mailed on August 03, 2011, with sufficient first-class postage to the following:

ALMA HUBBARD
BLACKFOOT SPRINGS RANCH LLC
LEWIS BROTHERS INC
OHANESIAN & ASSOCIATES PROFIT
P4 PRODUCTION LLC

Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

COMMITTEE OF NINE

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BEAR LAKE GRAZING CO
P THOMAS BLOTTER FAMILY
STUCKI REVOCABLE TRUST
Represented by:
MARCHANT, LUKE H
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

NATURAL GUARDIAN LIMITED

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620
ORDER

PATRICK J TANEY

Represented by:
SCOTT E. AXLINE
PO BOX 100
BLACKFOOT, ID 83221
Phone: 208-785-6274

STATE OF IDAHO

Represented by:
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

U.S.A.

Represented by:
UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

FMC PRODUCTION LLC

Represented by:
WILLIAM G MYERS III
101 S CAPITOL BLVD, STE 1400
PO BOX 2527
BOISE, ID 83701-2527
Phone: 208-342-5000

EASTERN IDAHO WATER CO
ATTN: LARRY HINDERAGER PRES
434 W RIVERTON RD
BLACKFOOT, ID 83221
Phone: 208-785-5678

U S DEPARTMENT OF JUSTICE
ATTN: PETER C MONSON
INDIAN RESOURCES SECTION
999 18TH ST
DENVER, CO 80202
Phone: 303-844-1384

(Certificate of mailing continued)

LAKE FAMILY RANCHES INC
C/O DENNIS M LAKE
830 TABER RD
BLACKFOOT, ID 83221
Phone: 208-684-4967

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

MARK B PRATT
279 N 400 E
BLACKFOOT, ID 83221
Phone: 208-785-6597

BRETT MC DANIEL
631 W 225 S
BLACKFOOT, ID 83221
Phone: 208-785-7837

GARY & SONJA WRIGHT
673 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-3434

MARVIN R YANCEY
691 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-3610

MERLIN YANCEY
707 W 300 S
BLACKFOOT, ID 83221
Phone: 208-785-0908

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned in the bottom right corner of the page.