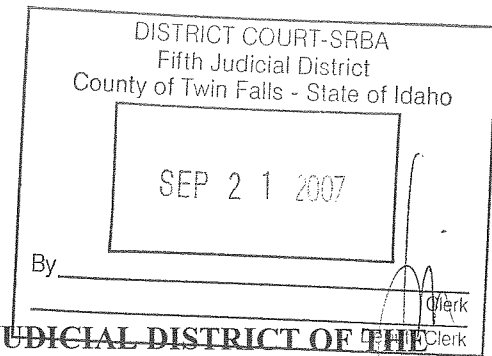




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 27-02053 |
|                | ) |                           |
| _____          | ) |                           |

On July 26, 2007, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Sept. 21, 2007.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 27-02053

NAME AND ADDRESS: NU-WEST INDUSTRIES INC  
DBA AGRIUM CONDA PHOSPHATE  
3010 CONDA RD  
SODA SPRINGS, ID 83276

FMC PRODUCTION LLC  
PO BOX 4111  
POCATELLO, ID 83205

SOURCE: DRY VALLEY CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 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 SESWNE (Instream Beginning Point) Within Caribou County  
SWSWNE (Instream Ending Point)

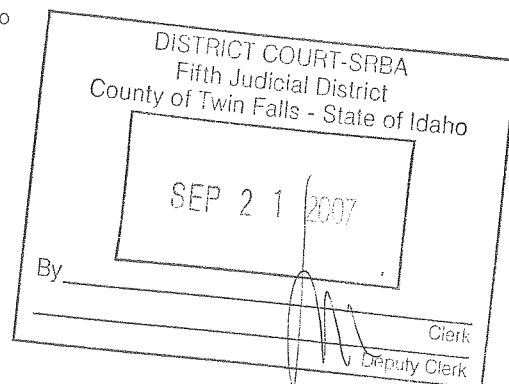
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 05-15 TO 11-15 | 0.02 CFS |
|                               |                |                | 4.50 AFY |

PLACE OF USE: Stockwater Within Caribou County  
T07S R44E S31 SWNE

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

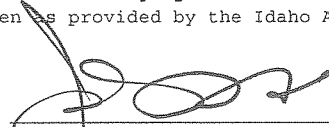
THE IRRIGATION PORTION OF THIS RIGHT HAS BEEN  
FORFEITED/ABANDONED DUE TO NON-USE FROM 1976 TO 2003.  
The quantity of water decreed for this water right is not a  
determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).



RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

2007 SEP 21 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 27-02053 |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 27-02053 was mailed  
on September 21, 2007, with sufficient first-class postage prepaid  
to the following:

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

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

FMC PRODUCTION LLC  
Represented by:  
LINDA B. JONES  
PO BOX 2527  
BOISE, ID 83701  
Phone: 208-342-5000

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  
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DENVER, CO 80202  
Phone: 303-892-7391

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

JULIE MURPHY  
Chief Deputy Clerk