

AMENDED DIRECTOR'S REPORT

Subcase No. 22-7391

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

September 28, 2007

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Motion to File Amended Notice of Claim* filed on July 18, 2007, the *Order Granting Motion to File Amended Claim and Setting Subcase Deadlines* issued by Special Master Bilyeu on July 23, 2007, and the subsequent *Amended Order Setting Subcase Deadlines* issued by Special Master Bilyeu on August, 23, 2007, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out).


DONALD V. SHAFF
Adjudication Bureau Chief

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7391

NAME AND ADDRESS: BASIC AMERICAN FOODS
AMERICAN POTATO CO
40 E 7TH N
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.640 CFS
463.300 AFY

Right Nos. 22-2204 and 22-7391 are limited to a total combined annual diversion volume of 2389.1 AF.

PRIORITY DATE: 02/23/1982

POINT OF DIVERSION:

T06N R40E S19 NENE Within MADISON County

T06N R40E S19 NENE Within MADISON County

T06N R40E S19 NENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.640 CFS
463.30 AFY

Industrial use is for potato processing. The water diverted under this right for industrial purposes must first be used in association with potato processing and includes the treatment of process water with fresh water. After water is used for these industrial purposes it may be applied to land to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which is capable of providing a full supply of water for irrigation.

PLACE OF USE: INDUSTRIAL in MADISON County

T06N R40E S19

NENE

T06N R40E S19

NWNE

Place of use may also include other lands upon which the process water may be applied for land application purposes to satisfy federal or state water quality requirements. Water diverted shall not be used for land application unless the water is applied to land that has an appurtenant water right, which is capable of providing a full supply of water for irrigation. Water diverted shall not be used for land application unless the water is first used in potato processing and treatment of process water as authorized by the water right. The industrial use of water under this right includes treatment of process water with fresh water.

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

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.

IDAHO DEPARTMENT OF WATER RESOURCES
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF SERVICE

I certify that on September 29, 2007, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

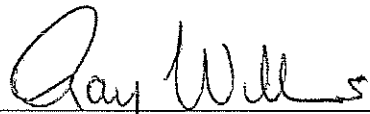
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

BASIC AMERICAN FOODS
BASIC AMERICAN INC
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

MADISON COUNTY COURTHOUSE
PO BOX 389
REXBURG, ID 83440-0389

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



Signature of person delivering form