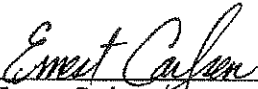
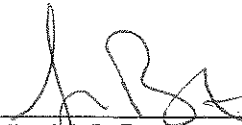


DEPARTMENT OF  
WATER RESOURCES

**IDWR Concurrence:**

 10-24-07  
\_\_\_\_\_  
Ernest Carlsen Date  
Water Resource Program Manager

 10/24/07  
\_\_\_\_\_  
Garriek L. Baxter Date  
Deputy Attorney General  
Attorney for IDWR

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

IRIBUIARY:

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:

106N R40E S19 NENE Within MADISON County

T06N R40E S19 NENE Within MADISON County

106N R40E S19 NENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| INDUSTRIAL            | 01/01 12/31          | 0.640 CFS<br>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. Use in association with potato processing may 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 normally provides ~~is capable of providing~~ a full supply of water for irrigation.

PLACE OF USE: INDUSTRIAL in MADISON County

106N R40E S19 NENE 106N 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 normally provides ~~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 association with 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  
WATER RIGHTS ACQUIRED UNDER STATE LAW

*EMC*

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.

*AB*  
*JPB*

### CERTIFICATE OF MAILING

I certify that on December 18, 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:

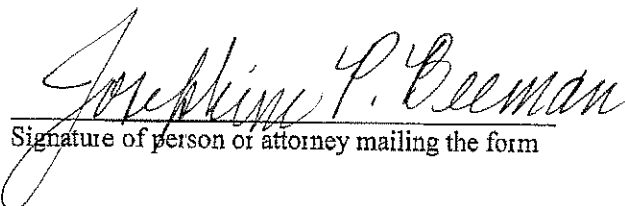
1. Original to:

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:

BASIC AMERICAN FOODS  
BASIC AMERICAN, INC.  
Represented by:  
JOSEPHINE P. BEEMAN  
409 WEST JEFFERSON STREET  
BOISE, ID 83702

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

  
Signature of person or attorney mailing the form