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DEPARTMENT OF
WATER RESOURCES

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TWIN FALLS CO. IDAHO
FILED

2008 JAN 17 JAN 17 2008

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

Case No. 39576

Subcase No. 27-7411

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Basic American Foods
Basic American, Inc.

Josephine P. Beeman Date
Attorney for Claimant/ Objector

IDWR Concurrence:

Ernest Carlsen 1-10-08
Ernest Carlsen Date
Water Resource Program Manager

Garrick L. Baxter 1/31/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-7411

NAME AND ADDRESS: BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY ID 83274

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.390 CFS
4.50 AFY

PRIORITY DATE: 06/12/1985

POINT OF
DIVERSION:

T01S R37E S2 SWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.390 CFS
4.50 AFY

Industrial use includes cleaning the distribution system used to discharge plant process water and co-mingling fresh water with plant process water used for land application.

PLACE OF USE: INDUSTRIAL in BINGHAM County

T01S R37E S02 Lot 3 NENW

T01S R37E S02

SENW

T01S R37E S02 NESW

T01S R37E S02

SWSW

T01S R37E S02 SESW

Place of use includes land 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 being co-mingling with plant process water used for land application or is used for cleaning the distribution system used to discharge plant process 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.

~~Water used under this right is for cleaning the distribution system used to discharge plant wastewater. Plant wastewater is co-mingled with fresh water and is used for land application.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

JPB
AB
EMC

CERTIFICATE OF MAILING

I certify that on January 15, 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