



Case No. 39576

**NOTICE OF COURT'S INTENT TO ISSUE
PARTIAL DECREE FOR UNCONTESTED
WATER RIGHT WITH CORRECTION TO
CLERICAL ERROR AND NOTICE OF
HEARING THEREON**

For Water Right: 45-13970

A *Director's Report* containing a recommendation for the above-captioned water right claim was filed on November 9, 2007. No objections were filed. The hearing for the uncontested late and miscellaneous water right claims is presently scheduled for April 15, 2007. On January 18, 2008, counsel for the claimant sent written correspondence to the Court regarding a clerical error in the recommended place of use description. Specifically, the Lot 1 and Lot 2 designations are transposed. The quarter-quarter descriptions for the place of use are otherwise accurate. A letter from IDWR confirming the error was attached to counsel's correspondence. The Court finds this to be a clerical error and based on the nature of the error does not find it necessary for IDWR to file an amended director's report. In the absence of any objections to this ***Notice of Intent*** the Court will issue a ***Partial Decree*** for the water right in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter in conjunction with hearing on the uncontested rights on **Tuesday, April 15, 2008, at 1:30 p.m. (Mountain Time)**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling **1-918-583-3445** and entering **406128** when prompted.

DATED: January 24, 2008

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREE FOR UNCONTESTED WATER RIGHT

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 45-13970

NAME AND ADDRESS: MCCAIN FOODS USA INC
C/O DAVID HINES
PO BOX 10
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 2.66 CFS
1371.80 AFY

PRIORITY DATE: 09/01/1957

POINT OF DIVERSION: T10S R22E S23 LOT 2 (SWSESW) Within Cassia County
LOT 2 (SESESW)
LOT 1 (SWSWSE)
LOT 1 (SESWSE)
LOT 3 (SWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	2.66 CFS 1371.80 AFY

PLACE OF USE: Industrial Within Cassia County
T10S R22E S23 LOT 3 (SWSW) LOT 2 (SESW)
LOT 1 (SWSE)

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. 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.

DRAFT

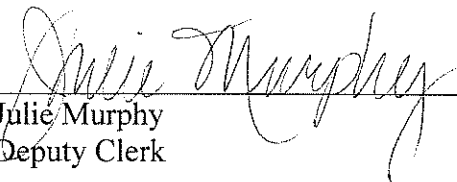
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **NOTICE OF COURT'S INTENT TO ISSUE PARTIAL DECREE FOR UNCONTESTED WATER RIGHT WITH CORRECTION TO CLERICAL ERROR AND NOTICE OF HEARING THEREON** were mailed on January 24, 2008, by first-class mail to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

McCain Foods USA Inc.
Represented by:
Josephine P. Beeman
409 W. Jefferson St.
Boise, ID 83702



Julie Murphy
Deputy Clerk