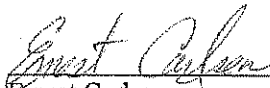


JAN 29 2008

**IDWR Concurrence:**

 1-3-08  
Ernest Carlsen                      Date  
Water Resource Program Manager

 1/15/08  
Garrick L. Baxter                      Date  
Deputy Attorney General  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13806  
NAME AND ADDRESS: BASIC AMERICAN FOODS  
AMERICAN POTATO CO  
40 E 7TH N  
REXBURG ID 83440

SOURCE: GROUND WATER  
QUANTITY: 0.380 CFS  
107.80 AFY

TRIBUTARY:

EMC  
AB JPB

The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.

PRIORITY DATE: 06/30/1945

POINT OF  
DIVERSION:

T07N R40E S28 SESW Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| COMMERCIAL     | 01/01 12/31   | 0.040 CFS<br>0.60 AFY   |
| STOCKWATER     | 01/01 12/31   | 0.300 CFS<br>107.20 AFY |
| DOMESTIC       | 01/01 12/31   | 0.040 CFS               |

Domestic use is for an office and out buildings

PLACE OF USE: STOCKWATER in FREMONT County

|               |      |               |      |
|---------------|------|---------------|------|
| T07N R40E S28 | NESW | T07N R40E S28 | SESW |
| T07N R40E S28 | NWSE | T07N R40E S28 | SWSE |

COMMERCIAL in FREMONT County

T07N R40E S28 SESW

DOMESTIC in FREMONT County

T07N R40E S28 SESW

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

The quantity of water decreed for this water right for domestic use 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 22-4063 .

Stockwater use is for 8000 cattle

**CERTIFICATE OF MAILING**

I certify that on January 24, 2008, 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:

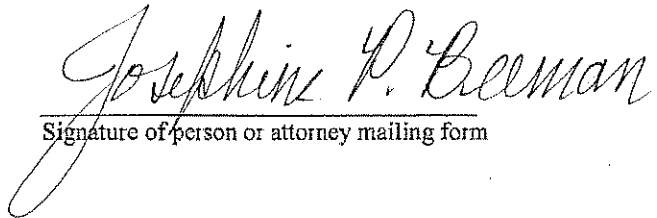
1. Original to:

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  
AMERICAN POTATO CO.  
Represented by:  
JOSEPHINE P. BEEMAN  
409 W. JEFFERSON ST  
BOISE, ID 83702

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

  
Signature of person or attorney mailing form