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Department of Water Resources
Adjudication Bureau

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	)	Subcase No. 22-13807
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Basic American Foods
American Potato Co.

Josephine P. Beeman *24 Jan 2008*

Josephine P. Beeman Date
Attorney for Claimant/Objector

IDWR Concurrence:

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

Garrick L. Baxter 1/14/08
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13807

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
53.60 AFY

PRIORITY DATE: 06/30/1956

POINT OF
DIVERSION:

107N R40E S28 SESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.150 CFS 53.60 AFY
PLACE OF USE:	<u>STOCKWATER in FREMONT County</u>		
	107N R40E S28 NESW	107N R40E S28	SESW
	107N R40E S28 NWSE	107N R40E S28	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. 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 4000 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:

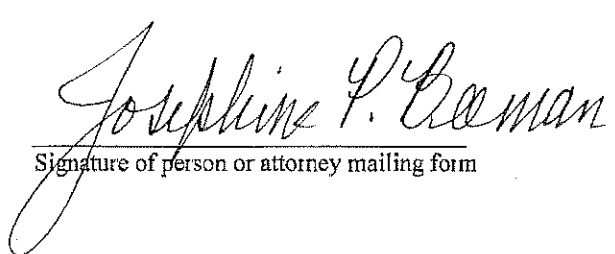
1. Original to:

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