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SEP 30 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 29 2008

Clerk

Deputy Clerk

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

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right: 27-04019

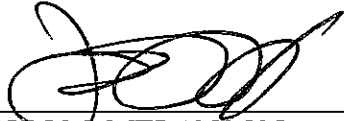
On April 9, 2008, an *Amended Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Amended Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Amended Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

September 29, 2008


JOHN M. MELANSON

Presiding Judge

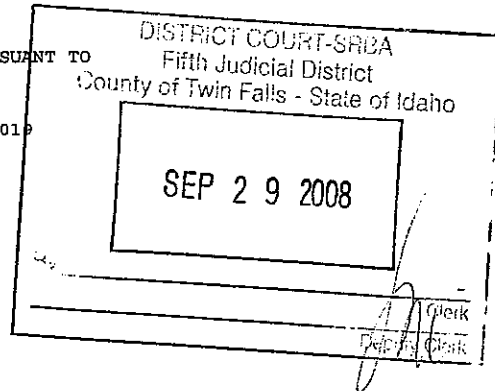
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-04019



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

SOURCE: GROUND WATER

QUANTITY: 1.45 CFS
1049.80 AFY

RIGHT NOS. 27-4019 AND 27-2116 ARE LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2975.6 AF.

PRIORITY DATE: 07/01/1957

POINT OF DIVERSION: T01N R37E S32 SWSENE Within Bingham County
WNWESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	1.45 CFS 1049.80 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 INCLUDE 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 A FULL SUPPLY OF
WATER FOR IRRIGATION.

PLACE OF USE: Industrial Within Bingham County
T01N R37E S32 SENE NESE

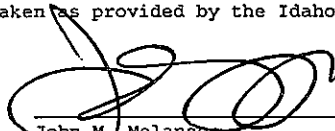
PLACE OF USE MAY ALSO INCLUDE OTHER LANDS UPON WHICH THE PROCESS
WATER MAY BE APPLIED FOR LAND APPLICATION PURPOSES TO SATISFY
FEDERAL OR STATE WATER QUALITY REQUIREMENTS. WATER DIVERTED SHALL
NOT BE USED FOR LAND APPLICATION UNLESS THE WATER IS APPLIED TO
LAND THAT HAS AN APPURTENANT WATER RIGHT, WHICH NORMALLY PROVIDES
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 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. 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.



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

2008 SEP 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 27-04019

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 27-04019 was mailed
on September 29, 2008, with sufficient first-class postage prepaid
to the following:

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

BASIC AMERICAN FOODS
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

BASIC AMERICAN FOODS
434 S EMERSON MS CP 91
SHELLEY, ID 83274
Phone: 208-357-3402

JULIE MURPHY
Chief Deputy Clerk