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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  
Dep. 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

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right: 27-02116

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

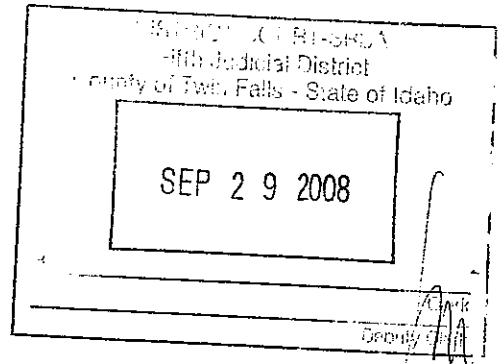
September 29, 2008

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 27-02116



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

SOURCE: GROUND WATER

QUANTITY: 2.66 CFS  
1925.80 AFY

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

PRIORITY DATE: 04/15/1958

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

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Industrial     | 01-01 TO 12-31 | 2.66 CFS<br>1925.80 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                  |

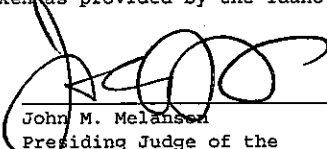
PLACE OF USE MAY ALSO INCLUDE OTHER LANDS UPON WHICH THE PROCESS  
WATER MAY BE APPLIED FOR LAND APPLICATION PURPOSES TO SATISFY  
FEDERAL OR STATE WATER QUALITY REQUIREMENTS. WATER DIVERTED SHALL  
NOT BE USED FOR LAND APPLICATION UNLESS THE WATER IS APPLIED TO  
LAND THAT HAS AN APPURTENANT WATER RIGHT, 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     | ) | CERTIFICATE OF MAILING   |
|                | ) |                          |
| Case No. 39576 | ) |                          |
| _____          | ) | Water Right(s): 27-02116 |

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 27-02116 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