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APR 17 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 16 2008	
By _____	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

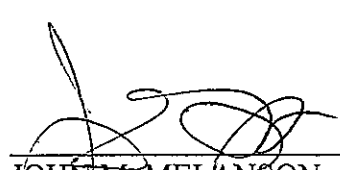
) ORDER OF PARTIAL DECREE

) For Water Right: 45-13970

On January 24, 2008, this court issued a *Notice of Court's Intent to Issue Partial Decree for Uncontested Water Right with Correction to Clerical Error and Notice of Hearing Thereon*. Hearing on said *Notice* was held on April 15, 2008, and no objections were filed.

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

DATED April 16, 2008.

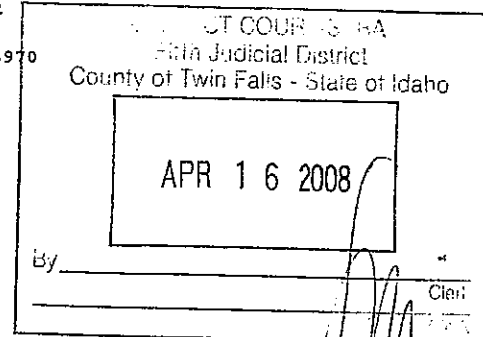


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 45-13970



NAME AND ADDRESS: MCCAINE 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.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE was mailed on April 16, 2008, with sufficient first-class postage to the following:

MCCAIN FOODS USA INC

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

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

ORDER

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Deputy Clerk