

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                            )  
\_\_\_\_\_)                                 Water Right 22-10749

NAME AND ADDRESS:         BENCH MARK POTATO CO  
                              4799 SOUTH HIGHWAY 191  
                              REXBURG, ID 83440

SOURCE:                     GROUND WATER

QUANTITY:                   0.04 CFS

The quantity of water under this right shall not exceed 13,000  
gallons per day.

PRIORITY DATE:             09/19/1940

POINT OF DIVERSION:       T05N R39E S14             NWSWSW Within Madison County

| PURPOSE AND    |                |                |          |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                | Domestic       | 10-01 TO 08-15 | 0.04 CFS |

|               |               |                       |
|---------------|---------------|-----------------------|
| PLACE OF USE: | Domestic      | Within Madison County |
|               | T05N R39E S14 | SWSW                  |

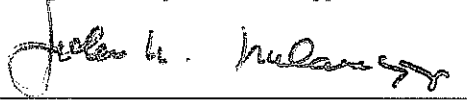
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right 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. 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.

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