

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 )  
                  ) PARTIAL DECREE PURSUANT TO  
                  ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
                  ) Water Right 45-02748

NAME AND ADDRESS: MC CAIN FOODS USA INC  
ATTN JAY ULRICH  
PO BOX 10  
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 0.60 CFS  
309.40 AFY

PRIORITY DATE: 03/06/1961

POINT OF DIVERSION: T10S R22E S23 LOT 2 (SWSESW) Within Cassia County  
LOT 2 (SESESW)  
LOT 1 (SESWSE)  
LOT 1 (SWSWSE)  
LOT 3 (SWSW )

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------------------|----------------|----------------|------------------------|
|                            | Industrial     | 01-01 TO 12-31 | 0.60 CFS<br>309.40 AFY |

PLACE OF USE: Industrial Within Cassia County  
T10S R22E S23 LOT 3 (SWSW) LOT 2 (SESW)  
LOT 1 (SWSE)

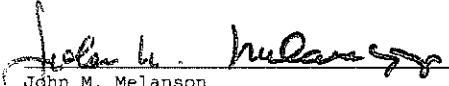
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. Section 42-1412(6), Idaho Code.

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