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JUN 23 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE DEPARTMENT OF
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS WATER RESOURCES

In Re SRBA

SUBCASE: 47-2241

STANDARD FORM 5

Case No. 39576

STIPULATED ELEMENTS OF A WATER
RIGHT

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2009 JUN 22 PM 12 50

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Delbert E. Klundt
2672B E 4000 N.
Twin Falls, Idaho 83301

CLAIMANT:

Pati D. Klundt
2672B E 4000 N.
Twin Falls, Idaho 83301

Delbert Klundt 6/09/09 Date *Pati D Klundt* 6/09/09 Date

IDWR CONCURRENCE:

OBJECTOR:

Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83303-0326

Douglas Jones 6/15/09 Date
Wick Spencer 6-17-09

Paul L. Arrington 6/15/2009 Date
Paul L. Arrington

CERTIFICATE OF MAILING

I certify that on June 19, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

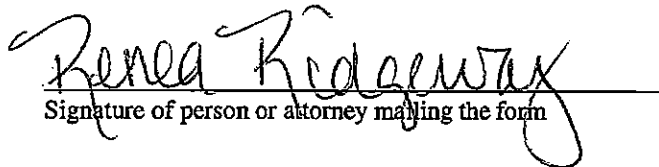
2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

~~IGWA INC
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391~~

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

DELBERT E KLUNDT
PATI D KLUNDT
2672B E 4000 N
TWIN FALLS, ID 83301


Signature of person or attorney mailing the form

05/12/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 47-2241

NAME AND ADDRESS: PATI D KLUNDT
2672B E 4000 N
TWIN FALLS ID 83301

DELBERT E KLUNDT
2672B E 4000 N
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.000 CFS

The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.

PRIORITY DATE: 04/15/1947

POINT OF
DIVERSION:

T10S R16E S12 NWNE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.020 CFS
FISH PROPAGATION	01/01 12/31	9.000 CFS

PLACE OF USE: FISH PROPAGATION in TWIN FALLS County

T10S R16E S01 SWSE T10S R16E S12 NWNE

DOMESTIC in TWIN FALLS County

T10S R16E S12 NWNE

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

The source of this right includes waste water. The wasting of water may be discontinued at any time

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE IS ALSO KNOWN AS TOLBERT TUNNEL.