

RECEIVED

JUN 22 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 19 AM 10 01

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

) Subcase Nos. 47-7660
)
)
)
)
)
)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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.

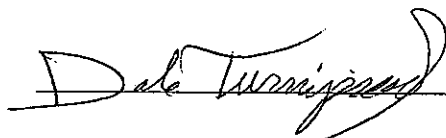
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

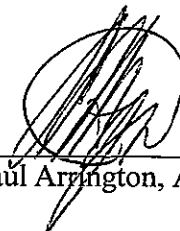
CLAIMANT:

Pigeon Cove Power Co., LLC

OBJECTORS:

Twin Falls Canal Company


Date


Paul Arrington, Attorney
Date 6/15/2009

RESPONDENT:

IGWA, Inc.

~~_____
Randall C. Budge, Attorney Date~~

IDWR Concurrence:

for ~~_____
Donald V. Shaif 6/15/09
Adjudication Bureau Chief Date~~

~~_____
Garrick Baxter 6/16/09
Deputy Attorney General Date~~

CERTIFICATE OF MAILING

I certify that on June 17, 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:

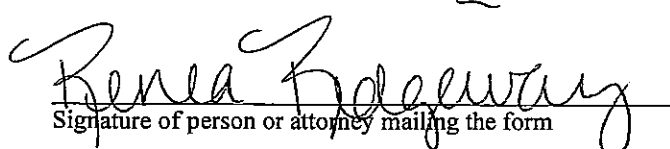
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

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

PIGEON COVER POWER CO LLC
C/O DALE TURNIPSEED
2231 SETTLERS LN
TWIN FALLS, ID 83301

~~PIGEON COVE POWER CO LLC
PO BOX 721
FILER, ID 83328~~ *Invalid. Correct address
is as posted above -
2231 Settlers Lane
Twin Falls, ID 83301*

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


Signature of person or attorney mailing the form

05/04/2009

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

RIGHT NUMBER: 47-7660

NAME AND ADDRESS: PIGEON COVE POWER CO LLC
PO BOX 721
FILER ID 83328

SOURCE: LQ COULEE
LS COULEE

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 65.000 CFS

PRIORITY DATE: 01/07/1981

The water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

POINT OF
DIVERSION:

T09S R16E S21 NWNE Lot 2 Within TWIN FALLS County
T09S R16E S21 NWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	65.000 CFS
Power generation is at the Pigeon Cove Power Plant.		

PLACE OF USE: POWER in TWIN FALLS County
T09S R16E S16 Lot 5 SWSW

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

Use of water under this right shall be non-consumptive.

This right shall be subject to future operation so that use of water under this right will not conflict or interfere with the future upstream diversion of water for irrigation or other beneficial consumption.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

The issuance of this right does not grant any right-of-way or easement across the land of another.