

**RECEIVED****JUN 23 2009**DEPARTMENT OF  
WATER RESOURCESDISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 JUN 22 PM 12 51

**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. 47-7768

**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.

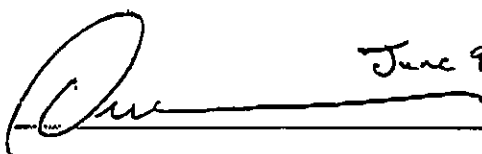
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

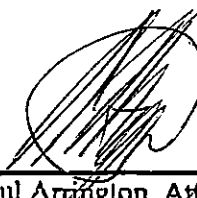
**CLAIMANTS:**

Crystal Springs Hydroelectric

**OBJECTORS:**

Twin Falls Canal Company

 June 9, 2009  
\_\_\_\_\_  
Date  
Dell E. Keen

 for Paul Arrington 6/15/2009  
\_\_\_\_\_  
Paul Arrington, Attorney Date

**RESPONDENT:**

IGWA, Inc.

~~\_\_\_\_\_  
Randall C. Budge, Attorney~~

~~\_\_\_\_\_  
Date~~

**IDWR Concurrence:**

Donald V. Shaff  
Donald V. Shaff  
Adjudication Bureau Chief

6/16/09  
Date

For Garrick Baxter  
For Garrick Baxter  
Deputy Attorney General

6-17-09  
Date

**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

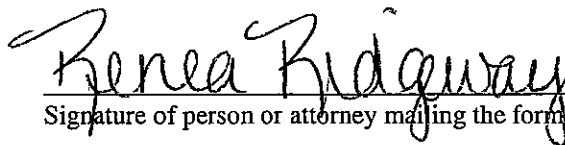
2. Copies to:

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~~

CRYSTAL SPRINGS HYDROELECTRIC  
ATTEN: DELL E KEEHN  
STE 100 11225 S E 6TH  
BELLEVUE, WA 98004

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

  
Signature of person or attorney mailing the form

06/08/2009

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

RIGHT NUMBER: 47-7768

NAME AND ADDRESS: CRYSTAL SPRINGS HYDROELECTRIC LP  
ATTN: DELL E KERN  
7829 CENTER BLVD SE #100  
SNOQUALMIE WA 98065

SOURCE: CEDAR DRAW

TRIBUTARY: SNAKE RIVER

QUANTITY: 110.000 CFS  
61,100.00 AFY

PRIORITY DATE: 11/10/1981



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

POINT OF DIVERSION:

T09B R15E S23 SWNR Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                     |
|----------------|---------------|------------------------------|
| POWER          | 01/01 12/31   | 110.000 CFS<br>61,100.00 AFY |

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

PLACE OF USE: POWER in TWIN FALLS County

T09B R15E S14 NWNR

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

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

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

The diversion and use of water for hydropower purposes under this right is subject to review by the Director after the date of expiration of license 8278 (4/30/2035) issued by the Federal Energy Regulatory Commission. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This right is subject to the minimum instream flow requirement of the Federal Energy Regulatory Commission license for this project.

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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SEE  
NB S

June 9, 2009