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DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____
2009 JUL 24 AM 9 50

**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

Subcase Nos. 47-7679

Case No. 39576

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.

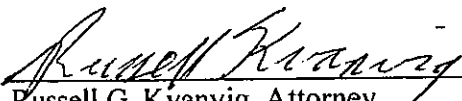
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

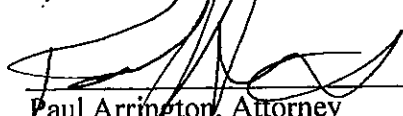
Ronald Kasel

OBJECTORS:

Twin Falls Canal Company

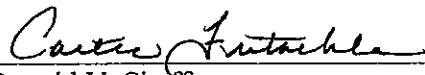


Russell G. Kvanvig, Attorney Date 7-7-9



Paul Arrington, Attorney Date 7/16/09

IDWR Concurrence:

for  7-27-09
Donald V. Shaff Date
Adjudication Bureau Chief

 7/21/09
Garrick Baxter Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on 7/23, 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:

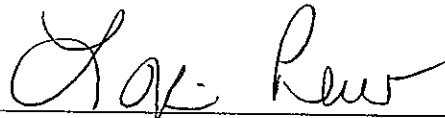
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

RONALD A. KASEL
Represented by:
RUSSELL G. KVANVIG
PO BOX 83
TWIN FALLS, ID 83303-0083

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: 47-7679

NAME AND ADDRESS: RONALD A KASEL
1336 EASTLAND DR N
TWIN FALLS ID 83301

SOURCE: SPRINGS
WASTE WATER

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 30.000 CFS
17,200.00 AFY

PRIORITY DATE: 06/23/1982

The rights for the use of water confirmed in this license 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:

T09S R17E S35 SESW Lot 6 Within TWIN FALLS County
T09S R17E S35 SESW Lot 6 Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	01/01 12/31	30.000 CFS 17,200.00 AFY

PLACE OF USE: POWER in TWIN FALLS County

T09S R17E S35 Lot 16 SWSW T09S R17E S35 Lot 17 SWSW

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

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~ RK

The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after December 30, 2018. 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 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 includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with the state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Right 47-7682 is also diverted through the points of diversion described above.

This right is a split from former right 47-14282.

The issuance 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.